

1
2 IN THE UNITED STATES DISTRICT COURT
3 MIDDLE DISTRICT OF GEORGIA
4 COLUMBUS DIVISION

5
6 Civil Action File No. 4:18-cv-00070-CDL

7 WILHEN HILL BARRIENTOS, et al.,

8 Plaintiffs,

9 vs.

10 REDACTED VERSION of [225] filed in
11 compliance with Order [342]

12 CORECIVIC, INC.,

13 Defendant.

14 REMOTE DEPOSITION OF
15 RUSSELL WASHBURN

16 Lumpkin, Georgia

17 Wednesday, December 1, 2021

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23
24 Court Reporter: Michelle M. Boudreaux-Phillips, RPR

25 TSG Job No. 201678

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1		1
2		2 APPEARANCES
3		(Via Zoom)
4		5 On behalf of the Plaintiffs:
5		6 ALAN HOWARD, Esq.
6	December 1, 2021	7 Perkins Coie LLP
7	10:01 a.m.	8 1155 Avenue of the Americas
8		9 22nd Floor
9		10 New York, New York 10036
10	Remote deposition of RUSSELL WASHBURN,	11 CAITLIN SANDLEY, Esq.
11	conducted at the location of the witness in	12 Southern Poverty Law Center
12	Lumpkin, Georgia, pursuant to Agreement,	13 400 Washington Avenue
13	before Michelle M. Boudreaux-Phillips, a	14 Montgomery, Alabama 36104
14	Registered Professional Reporter in the State	15 On behalf of the Defendant:
15	of Georgia.	16 JACOB B. LEE, Esq.
16		17 Struck Love Bojanowski & Acedo
17		18 3100 West Ray Road
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19		20 Chandler, Arizona 85226
20		21 Also Present: Jackie Aranda Osorno, Esq.
21		22 Meredith Stewart, Esq.
22		23
23		24
24		25

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6		6 Amendment of Solicitation/Modification of
7		7 Contract, Dated 6/30/2006
8		8 [CCBVA0000105880, etc.]
9		9 Exhibit 10
10		10 Amendment of Solicitation/Modification of
11		11 Contract, Dated 6/30/2006
12		12 [CCBVA0000244533, etc.]
13		13 Exhibit 11
14		14 Spreadsheet [CCBVA280792]
15		15 Exhibit 12
16		16 Corrections Corporation of America Prison
17		17 Inmate Telephone Agreement (with recovered
18		18 expenses) [SECURUS_000095, etc.]
19		19 Exhibit 13
20		20 April 2019 email chain [CCBVA0000196130, etc.]
21		21 Exhibit 14
22		22 July 31, 2019 Memorandum for Nathalie Asher
23		23 from Waldemar Rodriguez (with attachment)
24		24 [CCBVA000006239, etc.]
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5	Exhibit 18	190	Exhibit 27	259	
6	2013 CCA QA Audit Tool - Confidential [CCBVA0000274977, etc.]		Detainee Handbook Supplement, Stewart Detention Center [CCBVA000000244, etc.]		
7	Exhibit 19	203	Exhibit 28	267	
8	Performance-Based National Detention Standards 2011 [CCBVA0000003317, etc.]		Post Orders, Facility Effective Date March 31, 2017 [CCEVA0000106421, etc.]		
9	Exhibit 20	215	Exhibit 29	278	
10	Chapter 19, Resident Work Program, Effective Date August 16, 2017 [CCBVA0000003947, etc.]		9/5/2015 email chain [ICE-Barrientos 0012201, etc.]		
11	Exhibit 21	215	Exhibit 30	286	
12	Detainee Voluntary Work Program Agreement, 11/1/2012 [CCBVA0000004627]		10/13/2015 email with attachments to Bill Spivey from John Gimesh [CCBVA0000218192, etc.]		
13	Exhibit 22	217	Exhibit 31	290	
14	Chapter 18, Classification, Effective Date November 17, 2017 [CCBVA0000003918, etc.]		CCA, Food Service Operations, Effective Date March 11, 2011 [CCEVA0000106052, etc.]		
15	Exhibit 23	218	Exhibit 32	292	
16	Stewart Detention Center Work/Program Plan Guidelines [CCBVA0000118618, etc.]		Trinity Services Group, Stewart Correctional Facility 17720 CC, Dated 8/31/2020 [CCBVA0000118425, etc.]		
17	Exhibit 24	233	Exhibit 33	297	
18	ERO, U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations, COVID-19 Pandemic Response Requirements, April 10, 2020		10/9/2015 email chain with attachments [CCBVA0000196386, etc.]		
19	Exhibit 25	234	Exhibit 34	300	
20	ERO, U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations, COVID-19 Pandemic Response Requirements, October 19, 2021		June 18, 2014 letter to Shelton Richardson from Calvin Blue [CCBVA0000207174, etc.]		
21	Exhibit 26	237	Exhibit 35	306	
22	8/27/2014 email with attachments to All Wardens from John Gimesh [CCBVA0000218703, etc.]		Detainee Grievance, Dated Submitted 4/23/2018 [CCBVA0000217504]		
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1	2	3	INDEX (Cont'd)		
4	Exhibit	Page	1	RUSSELL WASHBURN	
5	Exhibit 37	311	2	THE COURT REPORTER: All parties to this	
6	Queja De Residente, Fecha 11/02/2020 [CCBVA0000118271, etc.]		3	deposition are appearing remotely and have	
7	Exhibit 38	319	4	agreed to the witness being sworn in	
8	CoreCivic Record Retention Schedule, Effective Date January 1, 2016 [CCBVA0000105921, etc.]		5	remotely. Due to the nature of remote	
9	Exhibit 39	320	6	reporting, please pause briefly before	
10	Request for Records Disposition Authority, Date Received 3/10/11		7	speaking to ensure all parties are heard	
11	Exhibit 40	333	8	completely.	
12	Stewart Detention Center, 24 Hour Routine for General Population, Revised Date March 6, 2019 [CCBVA0000004652, etc.]		9	Counsel, please state your appearance.	
13			10	MR. HOWARD: Alan Howard of Perkins Coie	
14			11	for the plaintiffs.	
15			12	MR. LEE: And Jacob Lee for CoreCivic.	
16			13	RUSSELL WASHBURN,	
17			14	being first duly sworn, was examined and testified as	
18			15	follows:	
19			16	EXAMINATION	
20			17	BY MR. HOWARD:	
21			18	Q Good morning, Mr. Washburn.	
22			19	A Good morning.	
23			20	Q My name, again, is Alan Howard. I'm an	
24			21	attorney sitting in New York City on behalf of the	
25			22	plaintiffs. My colleague, CJ Sandley, will be asking	
			23	you some questions as well, but I'm batting leadoff	
			24	today.	
			25	First, let me ask you, have you ever given a	

<p>1 RUSSELL WASHBURN</p> <p>2 deposition before?</p> <p>3 A Yes, sir, I have.</p> <p>4 Q And how many times?</p> <p>5 A I don't know the exact number. I would say</p> <p>6 six or seven.</p> <p>7 Q And do all of these relate to your work at</p> <p>8 CoreCivic?</p> <p>9 A Yes, sir.</p> <p>10 Q Can you tell me generally the types of</p> <p>11 matters that you've given depositions in?</p> <p>12 A The majority of them were inmate or detainee</p> <p>13 cases. I know one was on a religious case. Another</p> <p>14 one was on a PREA, which is Prison Rape Elimination</p> <p>15 Act, case. The one staff one that I can remember is I</p> <p>16 think -- I believe it was a wrongful termination that</p> <p>17 the claim was for. Outside of that, I can't recall any</p> <p>18 other specifics.</p> <p>19 Q Have you given deposition testimony in any</p> <p>20 case since you've came to Stewart?</p> <p>21 A Yes.</p> <p>22 Q What did that involve?</p> <p>23 A Those are the two case. They were not</p> <p>24 Stewart cases, but they were from my previous facility,</p> <p>25 but I was at Stewart.</p>	Page 10	Page 11
<p>1 RUSSELL WASHBURN</p> <p>2 important to have a pause to make sure I finish my</p> <p>3 question before you begin answering, and I'll try not</p> <p>4 to interrupt you as well. If I do on occasion, please</p> <p>5 just let me know and continue your answer.</p> <p>6 A Yes, sir.</p> <p>7 Q It's also important to have verbal responses,</p> <p>8 as opposed to nods of the head, so the court reporter</p> <p>9 can take down all your testimony.</p> <p>10 A Yes, sir.</p> <p>11 Q If you don't understand one of my questions,</p> <p>12 please let me know and I'll rephrase it. And if you</p> <p>13 don't hear one of my questions completely, let me know</p> <p>14 and I'll repeat it.</p> <p>15 A Understood.</p> <p>16 Q So any time you want to take a break, please</p> <p>17 just let me know and I will accommodate you.</p> <p>18 A Yes, sir.</p> <p>19 Q One other thing -- you're probably aware of</p> <p>20 this too -- from time to time your counsel may make</p> <p>21 objections to questions that Ms. Sandley or I pose to</p> <p>22 you. And unless your counsel, Mr. Lee, gives you an</p> <p>23 instruction not to answer the question, after he's</p> <p>24 completed his objection, the expectation is you will</p> <p>25 give an answer, okay?</p>	Page 12	Page 13
<p>1 RUSSELL WASHBURN</p> <p>2 Q Understood. So you've not given any</p> <p>3 testimony, deposition testimony, involving your</p> <p>4 activities at Stewart; is that correct?</p> <p>5 A I don't believe so, no, sir.</p> <p>6 Q How about any legal proceedings involving</p> <p>7 activities at Stewart, have you been involved in any of</p> <p>8 those?</p> <p>9 A Yes. When I first arrived, it was relative</p> <p>10 to the COVID, onset of COVID, and those types of</p> <p>11 things. It was a conversation with a judge. I'm not</p> <p>12 sure if they were doing it -- like I said, I was</p> <p>13 probably here two or three weeks, and I had to get on a</p> <p>14 call and then speak with a judge, so I couldn't really</p> <p>15 tell you what that was all about. It was just more</p> <p>16 about the COVID and social distancing and those types</p> <p>17 of things.</p> <p>18 Q Understood. It's been challenging times</p> <p>19 since your arrival, I gather?</p> <p>20 A Since day one. I came in right at the onset</p> <p>21 of COVID, so yes, sir.</p> <p>22 Q Let me just give you some ground rules,</p> <p>23 you're familiar with it, but just as to how we'll</p> <p>24 proceed today, in particular in a remote environment.</p> <p>25 As the court reporter said, it's very</p> <p>1 RUSSELL WASHBURN</p> <p>2 A Understood.</p> <p>3 Q A question we ask of all witnesses, are you</p> <p>4 taking any medication or is there any other reason you</p> <p>5 can't give your best testimony today?</p> <p>6 A No, there's no reason.</p> <p>7 Q Terrific.</p> <p>8 So you understand you're here to give</p> <p>9 testimony on behalf of CoreCivic as CoreCivic's</p> <p>10 designated witness on a variety of topics relating to a</p> <p>11 lawsuit filed against CoreCivic in April 2018 relating</p> <p>12 to detainees at the Stewart Detention Center in a</p> <p>13 voluntary work program, correct?</p> <p>14 A Yes, sir.</p> <p>15 Q When did you first learn about the lawsuit</p> <p>16 itself?</p> <p>17 A Let's see. I arrived in April of 2020,</p> <p>18 April 1st. I can't pinpoint the exact date. It would</p> <p>19 have been sometime shortly thereafter, but to recall a</p> <p>20 specific date, I really can't. I know it probably came</p> <p>21 by way of a request for documents, but even that, it</p> <p>22 would be specification. I suspect that's probably when</p> <p>23 I became aware, when there was a request for documents</p> <p>24 pertaining to this specific case</p> <p>25 Q And that was after you'd already started as</p>	Page 13	

<p>1 RUSSELL WASHBURN 2 warden at Stewart in April of 2020? 3 A Yes, sir. 4 Q Did you have any conversation, as part of the 5 onboarding process coming in as the warden at Stewart, 6 with anyone about the lawsuit? 7 A No, not prior to the request for documents. 8 Q Other than the request for documents, did you 9 have any conversations -- and I'm not going to ask for 10 content yet -- with anyone about the lawsuit? 11 A Outside of my lawyers or attorneys? 12 Q Well, put aside -- outside of your 13 preparation for this deposition, from the time you 14 joined Stewart, you came onboard as warden at Stewart 15 in April of 2020, up until you started preparing for 16 this deposition, did you have any conversations with 17 anyone about the lawsuit? 18 A Yeah, I was -- I had conversations with the 19 attorneys as they were requesting specific documents, 20 and that conversation would have been more specifically 21 to the types of documents that they were requesting for 22 this lawsuit. 23 Q Other than the lawyers requesting documents 24 for the lawsuit, did you have any substantive 25 conversations with anyone about the allegations in the</p>	Page 14	<p>1 RUSSELL WASHBURN 2 lawsuit? 3 A No, sir. 4 Q And is that true up and until the time where 5 you started preparing for this deposition? 6 A Yes, sir. 7 Q When did you start preparing for this 8 deposition? 9 A I guess it would be about three weeks ago. I 10 started reviewing documentation and having 11 conversations with our lawyers. 12 Q So just to clarify, from April of 2020, when 13 you came to Stewart as the warden after this lawsuit 14 had already been filed, up until, say, October of 2021, 15 you've had no substantive conversations with anyone 16 about the allegations of the case? 17 MR. LEE: Object to form. 18 THE WITNESS: Specific to the 19 allegations, no. 20 Q (By Mr. Howard) Did you ever read the 21 complaint in the case before you started preparing for 22 the deposition? 23 A No. 24 Q Did anyone tell you that there was requested 25 remedy of injunctive relief involving conduct of</p>	Page 15
<p>1 RUSSELL WASHBURN 2 CoreCivic at Stewart pending when you came to Stewart 3 as warden? 4 MR. LEE: Object to form. 5 And I'll remind the witness to not 6 answer to the extent that would require 7 discussing conversations with counsel, either 8 outside or internally at CoreCivic. 9 THE WITNESS: No, other than with my 10 attorneys. 11 Q (By Mr. Howard) And you told me what the 12 context -- what the content of your conversations with 13 your attorneys was before. 14 So is it fair to say that you, as the warden 15 coming into Stewart in April of 2020 up until present, 16 have taken no specific steps to determine for yourself 17 whether the allegations in the complaint are true or 18 not true and whether any measures should be taken by 19 CoreCivic at Stewart with respect to the allegations in 20 the complaint? 21 MR. LEE: Object to form and foundation. 22 THE WITNESS: Maybe I don't understand 23 the -- could you rephrase the question or 24 clarify the question? 25 MR. HOWARD: Sure.</p>	Page 16	<p>1 RUSSELL WASHBURN 2 Q (By Mr. Howard) You've told me you haven't 3 read the complaint, that you didn't have substantive 4 conversations about the allegations in the complaint, 5 so I'm just asking the natural follow-up. 6 Is it fair to say, then, you yourself, as 7 warden at Stewart, have not taken steps to determine 8 for yourself the truth of the allegations in the 9 complaint? 10 MR. LEE: Object to form. 11 THE WITNESS: No, that would not be 12 true. You know, as the warden, I'm 13 responsible for making sure that we're in 14 compliance with the PBND standards, the 5.8, 15 which is specific to this case. So being 16 knowledgeable of the requirements for this 17 particular program would be an expectation 18 regardless of this case or not. 19 Q (By Mr. Howard) But other than being 20 responsible for being in compliance with PBND, do you 21 even know what the allegations of the complaint are 22 beyond that? 23 MR. LEE: Object to form. 24 THE WITNESS: My understanding of the 25 allegation is that people are being -- the</p>	Page 17

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1	RUSSELL WASHBURN	
2	detainees were being forced to work. That's	1 responsibility is, yes, to ensure that we're
3	my understanding of the case.	2 operating in full compliance with the PBNDS
4	Q (By Mr. Howard) That's your complete, full	3 standards and the policies that are
5	understanding of the case?	4 applicable, so yes.
6	A Yes.	5
7	Q And is it your view, then, that if you, as	6 Q (By Mr. Howard) When you say "the policies
8	warden, assure that CoreCivic is operating at Stewart	7 that are applicable," what policies are you referring
9	within the parameters of the PBNDS, that is a complete	8 to?
10	defense to the allegations in the complaint?	9 A All of our policies, the 19-100, which is the
11	MR. LEE: Object to form and calls for a	10 policy that we have here at Stewart specific to the
12	legal conclusion. I didn't object to some of	11 voluntary work program, and then, of course, the PBNDS
13	the earlier questions as background, but	12 standard, which is 5.8.
14	we're kind of getting into Warden Washburn's	13 Q Now, other than those policies that you just
15	personal opinions, which is beyond the scope	14 mentioned, are there any other policies or procedures
16	of the 30(b)(6) notice.	15 that CoreCivic has established with respect to how it
17	Q (By Mr. Howard) You may answer.	16 is going to operate the work program at Stewart?
18	A If you could -- give me the question one more	17 A No. I believe those are the primary two
19	time. I apologize.	18 policies that govern the voluntary work program.
20	MR. HOWARD: Yeah. Michelle, could you	19 Q Okay, but you're familiar with the PBNDS and
21	please read that back.	20 Policy 19-100?
22	(Record read.)	21 A Yes, sir.
23	MR. LEE: Object to form. Beyond the	22 Q And there's nothing in those standards which
24	scope.	23 dictates what jobs at Stewart CoreCivic can have
25	THE WITNESS: My answer would be my	24 detainees perform or not, correct?
Page 20		Page 21
1	RUSSELL WASHBURN	1 RUSSELL WASHBURN
2	THE WITNESS: No, not in those two	2 A No, we've not added or deleted any positions
3	policies, that I'm aware of. 18-100, I	3 that were not already in existence upon my arrival.
4	believe, has the outline of specific jobs	4 And I've looked at the particular ones that have been
5	that are available here at Stewart, but	5 used and approved, and I have no concerns or issues
6	19-100 and PBNDS standards do not have a list	6 with those.
7	of jobs.	7 Q Okay. And you've looked at those as part of
8	Q (By Mr. Howard) So tell me, for purposes of	8 the process of preparing for the deposition or as part
9	determining what jobs at Stewart would be available for	9 of your job as warden?
10	detainees, who determines that?	10 A Both.
11	A It would rest with the facility.	11 Q And is it fair to say that was an entirely
12	Q And who at the facility determines that?	12 CoreCivic-driven process, in other words, it was
13	A It would be -- the ultimate would be the	13 totally up to CoreCivic to decide, you know, what kinds
14	warden's final approval, but it would be established in	14 of jobs detainees would fill, how many of those jobs
15	a committee of the unit team members, the chief of	15 detainees would fill at Stewart; is that correct?
16	security, the chief of unit management, assistant	16 MR. LEE: Object to form.
17	wardens, warden, you know, as far as the approval	17 THE WITNESS: I would say yes, but I
18	process. But any person really could make a	18 would suspect that we would also -- and,
19	recommendation or a request, and then those would have	19 again, because I have not added or deleted
20	to go through the evaluation piece to ensure that	20 any job titles since my arrival, I would
21	there's not any life safety/security issues that may be	21 suspect -- and I would certainly engage ICE
22	concerning for whatever the role or the jobs they're	22 into the conversation before I either took
23	requesting to be added.	23 away or added any new jobs, but I don't know
24	Q Got it. And that process has taken place	24 that there's a requirement for us to do
25	under your supervision since you've been warden?	25 that.

<p style="text-align: right;">Page 22</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q (By Mr. Howard) And do you know for sure 3 whether your predecessor wardens or committees of unit 4 management, et cetera, as you described them, did that 5 for any particular jobs, or are you just making an 6 assumption?</p> <p>7 A Yeah.</p> <p>8 MR. LEE: Objection.</p> <p>9 THE WITNESS: Sorry. I can't speculate 10 what they did or did not do before my 11 arrival.</p> <p>12 Q (By Mr. Howard) Now, with respect to pay for 13 detained workers, the standards set a floor, a minimum, 14 that you're required to pay detainees, correct?</p> <p>15 A That is correct. One dollar.</p> <p>16 Q One dollar per day?</p> <p>17 A That's correct.</p> <p>18 Q But, in fact, CoreCivic has paid some workers 19 more than \$1 per day, up to, for example, \$4 per day 20 for kitchen workers, right?</p> <p>21 A That's correct. We do not currently have any 22 positions that pay the minimum.</p> <p>23 Q What's the minimum amount that you pay at 24 Stewart currently?</p> <p>25 A Two dollars.</p>	<p style="text-align: right;">Page 23</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q And do some people make \$3? Like, is there 3 2, 3, and 4, or is it 2 or 4?</p> <p>4 A Yes, it's either one or two positions. I'd 5 have to look at the document. I think -- it's either 6 18.1 or 18-100. I apologize, I can't remember that, 7 but I know it's a CC form, but it's either one or two 8 positions that are at \$3, and there's a handful that 9 are at \$4.</p> <p>10 Q And that was CoreCivic's decision to pay some 11 workers \$2 and other workers \$4, correct?</p> <p>12 A Yes.</p> <p>13 Q ICE didn't dictate that?</p> <p>14 A No. What's in the standards is the dollar, 15 and that's what ICE dictates, is the dollar.</p> <p>16 Q And CoreCivic has the discretion to pay more 17 than a dollar?</p> <p>18 A Yes, we do.</p> <p>19 MR. LEE: Form.</p> <p>20 THE WITNESS: Sorry.</p> <p>21 Q (By Mr. Howard) You could pay the detainees 22 minimum wage if you wanted to, right?</p> <p>23 A There is no maximum level that has been 24 established.</p> <p>25 Q That's totally within CoreCivic's discretion?</p>
<p style="text-align: right;">Page 24</p> <p>1 RUSSELL WASHBURN</p> <p>2 A Yes, it is.</p> <p>3 Q Now, it's also CoreCivic's determination as 4 to how you are going to recruit workers to participate 5 in the program, correct?</p> <p>6 A Yes. I think I understand the question. 7 Through the classification process and meeting certain 8 criteria for job placements, yes.</p> <p>9 Q And CoreCivic will determine whether or not 10 to provide incentives to get detainees to participate 11 in the work program, correct?</p> <p>12 A Can you clarify "incentives"?</p> <p>13 Q Sure. There are -- for example, giving more 14 pay to kitchen workers to incentivize detainees to work 15 in the kitchen or putting kitchen workers in separate 16 housing with extra perks, things like that.</p> <p>17 A Yes, sir, that is within CoreCivic's ability.</p> <p>18 Q And CoreCivic has done that?</p> <p>19 A Yes.</p> <p>20 Q For example, one incentive has been to 21 provide certain workers with phone cards as incentives 22 for extra work; is that correct?</p> <p>23 A I don't recall since I've been here if we've 24 done that. I can't say for sure that we have not. I 25 don't recall that we have specifically here at Stewart.</p>	<p style="text-align: right;">Page 25</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q There's some documentation to that effect, 3 but I take it that among the documents you reviewed in 4 preparation for this testimony today, you did not see 5 those?</p> <p>6 A I don't recall those documents.</p> <p>7 Q CoreCivic determines the shifts that detained 8 workers will work, correct?</p> <p>9 A Yes.</p> <p>10 Q CoreCivic determines when detained workers 11 commit an offense relating to the work program that 12 merits discipline, correct?</p> <p>13 MR. LEE: Object to form.</p> <p>14 THE WITNESS: No, because we do not 15 discipline specifically for the voluntary 16 work program.</p> <p>17 Q (By Mr. Howard) CoreCivic has never 18 disciplined anyone for acts relating to the work 19 program, like, for example, not showing up for work?</p> <p>20 MR. LEE: Object to form.</p> <p>21 THE WITNESS: Again, I can't respond for 22 every facility without looking at their 23 documents. Or if you have documents, I 24 certainly can take a look at that and answer 25 more clearly to that. But to my knowledge,</p>

<p>1 RUSSELL WASHBURN</p> <p>2 specifically, not that I'm aware of.</p> <p>3 Q (By Mr. Howard) Well, I understand you might</p> <p>4 not have personal knowledge of this happening at</p> <p>5 Stewart, and I can show you documents, but let me ask,</p> <p>6 going back to your designation as a 30(b)(6)</p> <p>7 representative of the company, CoreCivic, what, if</p> <p>8 anything, did you do to educate yourself as to whether</p> <p>9 any discipline had ever been applied to detainees</p> <p>10 relating to the work program at Stewart over the last</p> <p>11 10 years?</p> <p>12 MR. LEE: Object to form.</p> <p>13 THE WITNESS: I read through the</p> <p>14 documents that were provided by counsel, but</p> <p>15 to say I recall/remember every -- specifics</p> <p>16 in all those documents, I can't.</p> <p>17 Q (By Mr. Howard) So you did mention that you</p> <p>18 reviewed documents, those that were provided by</p> <p>19 counsel. Can you tell me the volume of those</p> <p>20 documents?</p> <p>21 A No. I mean, I can tell you types of</p> <p>22 documents I reviewed, but the number, I reviewed some</p> <p>23 invoices, some budgets that were provided, pay sheets</p> <p>24 for detainees, previous depositions from other</p> <p>25 individuals that have already been deposed -- bear with</p>	Page 26	<p>1 RUSSELL WASHBURN</p> <p>2 me; I'm working through -- contract amendments and</p> <p>3 changes, the contract itself. I'm sure there were</p> <p>4 others. It's a pretty lengthy list of documents that I</p> <p>5 went through.</p> <p>6 Q And these were all documents that counsel</p> <p>7 chose for you to review, or did you make any requests</p> <p>8 to see certain documents that you made to counsel?</p> <p>9 A No. These were all provided by counsel.</p> <p>10 Q And selected by counsel, correct?</p> <p>11 A That's correct.</p> <p>12 MR. LEE: Object to form.</p> <p>13 THE WITNESS: I'm sorry.</p> <p>14 Q (By Mr. Howard) Were there emails among the</p> <p>15 documents that you reviewed?</p> <p>16 A There were some emails, yes.</p> <p>17 Q Can you recall any in particular?</p> <p>18 A No, sir. Again, if you're able to show them</p> <p>19 to me, we can talk through them.</p> <p>20 Q You mentioned that you did review depositions</p> <p>21 taken in this case. Can you recall which deponents,</p> <p>22 which witnesses?</p> <p>23 A Jackie Norman's, Terrence Lane, Bethany --</p> <p>24 it's now Braizer, but Norman, Mike Swinton. Those are</p> <p>25 the four I can recall off the top of my head.</p>	Page 27
<p>1 RUSSELL WASHBURN</p> <p>2 Q Were you provided with the exhibits to those</p> <p>3 transcripts as well?</p> <p>4 A Yes, I believe so.</p> <p>5 Q Did you review those?</p> <p>6 A Some. I won't say all.</p> <p>7 Q You mentioned also you've had, obviously,</p> <p>8 discussions with counsel. Have you had any in-person</p> <p>9 meetings with counsel in preparation for the</p> <p>10 deposition?</p> <p>11 A No, sir.</p> <p>12 Q Were your meetings by Zoom or by phone?</p> <p>13 A By phone.</p> <p>14 Q How many times did you speak with counsel in</p> <p>15 preparation for the deposition?</p> <p>16 A Once by phone. Yeah, once by phone. I think</p> <p>17 we exchanged a couple of emails, and that was more to</p> <p>18 say some documents have been uploaded for review-type</p> <p>19 communications.</p> <p>20 Q So once by phone?</p> <p>21 A Yes, sir.</p> <p>22 Q And for how long did you speak?</p> <p>23 A Between an hour and a half, two hours.</p> <p>24 Q How long ago was that?</p> <p>25 A Yesterday.</p>	Page 28	<p>1 RUSSELL WASHBURN</p> <p>2 Q So just prior to yesterday, you had no</p> <p>3 substantive conversations with counsel concerning this</p> <p>4 deposition or your preparation for this deposition?</p> <p>5 A No, outside of, you know, document requests</p> <p>6 that had occurred, you know, prior to.</p> <p>7 Q Earlier in the case. I'm talking now just</p> <p>8 about your preparation work for this deposition.</p> <p>9 Counsel sent you some documents and transcripts that</p> <p>10 you reviewed?</p> <p>11 A Correct.</p> <p>12 Q And yesterday you had an hour-and-a-half to</p> <p>13 two-hour call?</p> <p>14 A Yes, sir, that's correct.</p> <p>15 Q Did you speak to any other -- I take it that</p> <p>16 the counsel is Mr. Lee?</p> <p>17 A Yes.</p> <p>18 Q Other than Mr. Lee, have you spoken to any</p> <p>19 other person in preparation for this deposition today?</p> <p>20 A No.</p> <p>21 Q For example, you didn't call up any of the</p> <p>22 other witnesses who gave testimony to ask them for</p> <p>23 clarification or questions about things they talked</p> <p>24 about?</p> <p>25 A No.</p>	Page 29

Page 30		Page 31
1	RUSSELL WASHBURN	
2	Q I mean, some of those witnesses you	1 RUSSELL WASHBURN
3	mentioned, I know I took the deposition of Mr. Swinton,	2 she has to go through about marking it as an
4	and he talked about giving phone cards for incentives.	3 exhibit to your deposition. It takes a
5	We just talked a moment ago whether you were aware that	4 minute or two.
6	happened to your knowledge, you said no, but did you	5 THE WITNESS: Understood.
7	recall seeing that in Mr. Swinton's deposition?	6 (Exhibit 1 marked for identification.)
8	MR. LEE: Object to form.	7 Q (By Mr. Howard) We've marked as Exhibit 1 to
9	THE WITNESS: Again, to remember every	8 your deposition a document entitled "Fourth Revised
10	item -- they were pretty extensive	9 Notice of Rule 30(b)(6) Deposition and Request for
11	depositions, on all of them, so to say that I	10 Documents."
12	remember verbatim what all the questions and	11 I'll have Jackie scroll through this and get
13	the responses were, I can't do that, and I'm	12 to the topics for the deposition, but my first question
14	not sure that any person could.	13 is whether you've seen this document before.
15	Q (By Mr. Howard) Well -- and you say you	14 A Yes, sir, I have seen this document. Yes.
16	still haven't -- did you read the complaint in this	15 Q Okay. And this was a document provided by
17	action or any of the other pleadings, the court	16 counsel to you?
18	filings, in connection with your preparation for this	17 A Yes, sir.
19	deposition?	18 Q When was this document provided to you?
20	A No, I don't believe so.	19 A To say when it specifically was uploaded in
21	MR. HOWARD: Jackie, can you pull up for	20 that SharePoint area that legal -- or counsel was
22	me the 30(b)(6) notice.	21 putting these documents, I don't know that I can answer
23	Please bear with us, Mr. Washburn. The	22 that. I know we spent a good amount of time yesterday
24	process here -- one of my colleagues pulls up	23 going through this document with counsel.
25	and shares the screen, but there's a process	24 Q So was yesterday the first time you went
		25 through this document and reviewed it with counsel?
Page 32		Page 33
1	RUSSELL WASHBURN	1 RUSSELL WASHBURN
2	MR. LEE: Object to form.	2 Q You didn't speak to anybody else at CoreCivic
3	THE WITNESS: In depth, yes, sir.	3 who might have personal knowledge as to some of these
4	Q (By Mr. Howard) When you say "in depth," was	4 topics?
5	there a prior time when you did so less in depth?	5 A No, sir.
6	A I'm sure there was over that couple-week	6 Q You didn't speak to any of your
7	period of time from the time it was uploaded. I would	7 predecessors/wardens at Stewart?
8	have looked at it, yes.	8 A No, sir.
9	Q And did you have an understanding, when it	9 Q You didn't speak to any of the other
10	was provided to you, that you would be the designated	10 deponents in this case?
11	person to talk to -- talk on behalf of CoreCivic about	11 A No, sir.
12	all of these topics?	12 Q Did you speak to anybody at CoreCivic
13	A Yes.	13 corporate about any of these topics?
14	Q And I take it you certainly didn't have	14 A Outside of counsel, no.
15	personal knowledge of all of these topics or subtopics,	15 Q You spoke to internal CoreCivic counsel in
16	did you?	16 Nashville, is that right, or are you speaking now just
17	A No.	17 about Mr. Lee?
18	Q So other than reviewing the documents that	18 A No. One of the -- we refer to is as FSC,
19	counsel provided to you, what steps, if any, did you	19 Facility Support Center. One of our attorneys was on
20	take to educate yourself about the topics as to which	20 the call yesterday for a brief period of time, and
21	you do not have personal knowledge?	21 although I didn't have any direct communication with
22	A Again, reviewing the documents provided by	22 Ms. Williams, she was on the call for at least a
23	counsel and then the discussions with counsel.	23 portion of that call.
24	Q Nothing else?	24 Q And she's an attorney at FSC?
25	A No.	25 A Yes.

<p style="text-align: right;">Page 34</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q And was -- I don't want to get into the 3 specifics of your conversation, obviously, with an 4 in-house attorney; however, I would like to know 5 whether conversations with Ms. Williams were intended 6 to educate you on topics on this notice.</p> <p>7 MR. LEE: Form and foundation.</p> <p>8 THE WITNESS: I'm sorry, sir, I thought 9 you had more.</p> <p>10 MR. HOWARD: No. I thought I might have 11 as well, but I just left it at that.</p> <p>12 Q (By Mr. Howard) Was any of the conversation 13 with Ms. Williams designed to educate you as to topics 14 on Exhibit 1?</p> <p>15 MR. LEE: Form and foundation.</p> <p>16 THE WITNESS: Yes.</p> <p>17 Q (By Mr. Howard) Which topics? Do you recall 18 specifically?</p> <p>19 A If you scroll -- if you're able to scroll, I 20 can tell you the topic number. It was relative to 21 contracts, but I'm not sure of the exact title, so if 22 you can scroll through, I can tell you.</p> <p>23 Q Okay. So that would be Topic 6?</p> <p>24 A Well, if you can go to it, I'll tell you for 25 sure.</p>	<p style="text-align: right;">Page 35</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q (Complies with request.)</p> <p>3 A No, I don't believe that was the right one.</p> <p>4 Q Maybe 7?</p> <p>5 A And it could be 6. I just read through it.</p> <p>6 I apologize. I should have read through it first 7 before I -- but we can look at 7. It may have been, 8 actually, both.</p> <p>9 Q Well, let's stick on 6 for a minute.</p> <p>10 A Okay.</p> <p>11 Q I take it you personally were not involved in 12 negotiation of the intergovernmental services agreement 13 between Stewart and ICE, correct?</p> <p>14 A No, I was not.</p> <p>15 Q Or any of the modifications to that 16 agreement?</p> <p>17 A No, I was not.</p> <p>18 Q So I'm going to be asking you a series of 19 questions today about how that contract was negotiated 20 and about details about the modifications.</p> <p>21 Are you prepared, based on your discussions 22 with Ms. Williams, to answer those questions?</p> <p>23 A Without hearing the questions, I don't know 24 that I could say whether I could or do could not 25 respond.</p>
<p style="text-align: right;">Page 36</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q Let's throw one out for example. Are you 3 familiar with the various processes by which CoreCivic 4 can obtain government contracts, for example, bidding 5 process versus other processes?</p> <p>6 MR. LEE: Object to form. Exceeds the 7 scope.</p> <p>8 THE WITNESS: To some degree, yes. I 9 won't say I'm a subject-matter expert in that 10 regard; but, yes, I know that we do respond 11 to RFPs, requests for proposals, that are 12 sent out. Of course, that's collectively 13 established and evaluated through appropriate 14 subject-matter experts, or SMEs, as we refer 15 to them, at our Facility Support Center that 16 starts that process to determine whether or 17 not we want to actively bid on that request 18 for proposal or not.</p> <p>19 Q (By Mr. Howard) Do you know whether the 20 Stewart Detention Center contract with ICE was one that 21 CoreCivic bid for or obtained in some other way?</p> <p>22 A No, I do not know.</p> <p>23 Q So -- well, in the bidding process -- have 24 you been involved in the bidding process before for 25 contracts for CoreCivic?</p>	<p style="text-align: right;">Page 37</p> <p>1 RUSSELL WASHBURN</p> <p>2 A Yes. I mean, I've provided some information 3 relative to operations and have assisted with 4 determining appropriate staffing pattern levels if we 5 were to assume a contract or operate a facility. So in 6 that regards, yes.</p> <p>7 Q Okay. And all of that is important for 8 CoreCivic to assess in order to make a competitive bid, 9 a bid that will cover all of CoreCivic's costs but be 10 as competitive as possible, because you want to get 11 awarded the contract, right?</p> <p>12 MR. LEE: Object to form. Exceeds 13 scope.</p> <p>14 THE WITNESS: Yes, all that information 15 would be necessary in order to determine what 16 would be the appropriate bid or offer for 17 that particular bid, yes.</p> <p>18 Q (By Mr. Howard) And for any of the 19 facilities for which you did that bid, did those 20 include detention centers or just correctional 21 facilities?</p> <p>22 MR. LEE: Object to form. Exceeds the 23 scope.</p> <p>24 THE WITNESS: All of my involvement 25 prior has been with other jails and prison</p>

<p>1 RUSSELL WASHBURN</p> <p>2 systems, correctional facilities.</p> <p>3 Q (By Mr. Howard) Okay, but do you know</p> <p>4 whether CoreCivic did the same assessment of its</p> <p>5 operational needs and staffing at Stewart Detention</p> <p>6 Center when negotiating for the bid -- for the contract</p> <p>7 with ICE for Stewart?</p> <p>8 A Yes, we would have had to complete that</p> <p>9 process. That is our process internally, is to collect</p> <p>10 all of the appropriate data so that we can collectively</p> <p>11 determine the appropriate response to the request for</p> <p>12 proposal.</p> <p>13 Q But even if it wasn't a request for proposal,</p> <p>14 if it was just an intergovernmental services agreement</p> <p>15 being negotiated in terms of things like the day rates</p> <p>16 that would be paid, it would be important for CoreCivic</p> <p>17 to assess what its costs would be in operating the</p> <p>18 facility to negotiate a contract that would assure that</p> <p>19 CoreCivic would get a profit, correct?</p> <p>20 A Yes. We would have to know all of the costs</p> <p>21 in order to enter into that agreement, yes.</p> <p>22 Q And one of the major costs for operating a</p> <p>23 facility like Stewart is labor cost, right?</p> <p>24 A Yes. I think that's common for virtually any</p> <p>25 employer, yes.</p>	<p>Page 38</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q But would you say it's the highest cost of</p> <p>3 operation of Stewart?</p> <p>4 A Yes.</p> <p>5 Q And that labor cost involves, you know, all</p> <p>6 the jobs performed at Stewart, right?</p> <p>7 A Yes.</p> <p>8 MR. LEE: Object to form.</p> <p>9 Q (By Mr. Howard) So that would include the</p> <p>10 CoreCivic employees being hired to perform certain jobs</p> <p>11 and the detainees who are performing certain jobs as</p> <p>12 part of the work program, correct?</p> <p>13 MR. LEE: Object to form.</p> <p>14 THE WITNESS: Yes, it would.</p> <p>15 Q (By Mr. Howard) And so in order to negotiate</p> <p>16 a profitable contract with ICE for CoreCivic, CoreCivic</p> <p>17 would have to assess how it was going to staff the</p> <p>18 Stewart Detention Center with employees and with</p> <p>19 detainee labor and determine how much that was going to</p> <p>20 cost so that you could set an appropriate rate, day</p> <p>21 rate, correct?</p> <p>22 MR. LEE: Form.</p> <p>23 THE WITNESS: Yes.</p> <p>24 Q (By Mr. Howard) So do you know who did that</p> <p>25 and how that was done at CoreCivic when you entered</p>
<p>Page 40</p> <p>1 RUSSELL WASHBURN</p> <p>2 into the original contract for the Stewart Detention</p> <p>3 Center?</p> <p>4 A No, I would not know the who specifically. I</p> <p>5 think we're back in 2007, 2008, sometime in that time</p> <p>6 frame, so I wouldn't know the who.</p> <p>7 Q Okay. Well, how about the how? What</p> <p>8 calculations were made, in terms of how many jobs would</p> <p>9 be filled by CoreCivic employees and how many would be</p> <p>10 filled by detainees, when determining the cost -- the</p> <p>11 labor cost of operation of Stewart in order to</p> <p>12 negotiate an appropriate day rate in that contract?</p> <p>13 MR. LEE: Object to form.</p> <p>14 THE WITNESS: There's a lot of things</p> <p>15 that go into consideration when you're</p> <p>16 establishing what's the appropriate staffing.</p> <p>17 Physical plant has a lot to do with staffing</p> <p>18 needs. Each plant may be a little different,</p> <p>19 which may drive for additional staff versus</p> <p>20 another design or build, different type</p> <p>21 facility. So that plays a big part. And</p> <p>22 then really assessing how many staff do we</p> <p>23 need to provide and meet the contractual and</p> <p>24 the standard requirement or policy</p> <p>25 requirements are collective of all.</p>	<p>Page 41</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q (By Mr. Howard) Okay, and I'm asking how</p> <p>3 that was done for Stewart and what determinations were</p> <p>4 made in connection with that staffing about what jobs</p> <p>5 would be performed by CoreCivic employees versus what</p> <p>6 jobs would be performed by detainees?</p> <p>7 MR. LEE: Object to form.</p> <p>8 THE WITNESS: I don't know that I</p> <p>9 follow. I felt I did respond when I was</p> <p>10 talking about the physical plant and how many</p> <p>11 staff that you would need for each specific</p> <p>12 area of the facility in order to provide.</p> <p>13 It's also an assessment of, you know,</p> <p>14 what post is required to be 24 hours a day,</p> <p>15 seven days a week versus what post would be</p> <p>16 considered detail posts that may only cover a</p> <p>17 five-day workweek for, you know, 40 hours a</p> <p>18 week.</p> <p>19 So, I mean, there's a lot of things that</p> <p>20 go into consideration. And then, again, the</p> <p>21 contract requirements will have a big part</p> <p>22 if -- those staffing elements and staffing</p> <p>23 needs.</p> <p>24 The primary focus is really more of</p> <p>25 employees, not necessarily the detainee work</p>

<p style="text-align: right;">Page 42</p> <p>1 RUSSELL WASHBURN</p> <p>2 program or inmate work programs that are in 3 existence, because none of those are 4 permanent or ones that you can rely upon 5 because it's classification-driven. It's, in 6 this case, those who would want to volunteer 7 versus in a prison where they would 8 potentially be required to work or a 9 different contract.</p> <p>10 So contract, physical plants, all of 11 those things would have been taken into 12 consideration, policies and procedures would 13 have been taken into consideration when 14 determining what is the appropriate staffing 15 pattern or levels for the Stewart Detention 16 Center.</p> <p>17 MR. HOWARD: Okay. I appreciate all 18 that. I think you're missing the point of my 19 question, so let me try again.</p> <p>20 Q (By Mr. Howard) In order to negotiate a 21 contract with ICE that will pay CoreCivic all of its 22 costs, plus a profit -- because you're in business to 23 make money, you're a for-profit company, right?</p> <p>24 A We are, yes.</p> <p>25 Q So you would never knowingly negotiate a</p>	<p style="text-align: right;">Page 43</p> <p>1 RUSSELL WASHBURN</p> <p>2 contract where CoreCivic would lose money or even break 3 even, correct?</p> <p>4 A No, we would not.</p> <p>5 Q So if you were negotiating a contract for 6 Stewart because CoreCivic wanted to operate the Stewart 7 Detention Center, CoreCivic wanted to operate that 8 Stewart Detention Center at a profit, right?</p> <p>9 A Yes. We would have been working towards 10 meeting that profit margin, yes.</p> <p>11 Q And the primary price point, if you will, for 12 the ICE contract is the day rate that ICE would pay 13 CoreCivic per detainee per day, correct?</p> <p>14 A That's correct.</p> <p>15 Q And that's roughly now about 60-something 16 dollars; is that right?</p> <p>17 A 67.84, I believe is the current rate, and 18 then a dollar of that, I believe, goes to Stewart 19 County.</p> <p>20 Q So your net day rate for each detainee, and 21 we'll get into this in a little bit more detail, is 22 66 -- was it 66.85?</p> <p>23 A Eighty-four, I believe.</p> <p>24 Q Eighty-four, yeah.</p> <p>25 Now, the original rate was a little bit</p>
<p style="text-align: right;">Page 44</p> <p>1 RUSSELL WASHBURN</p> <p>2 lower, but that original rate had to be negotiated by 3 CoreCivic knowing that that amount of money per 4 detainee would cover all of CoreCivic's costs and 5 provide a profit, right?</p> <p>6 A Yes. We would not have entered into a 7 contract without such.</p> <p>8 Q And you know that labor would be the largest 9 cost that you would need to cover with that day rate, 10 correct?</p> <p>11 A Yes.</p> <p>12 Q And so you would have to make an 13 assessment -- CoreCivic would have had to make an 14 assessment as to how much their labor costs would be to 15 operate the Stewart Detention Center before entering 16 into that contract?</p> <p>17 A Yes. Based on the staffing pattern, yes.</p> <p>18 Q Correct. And one component, a large 19 component, of that labor cost would be CoreCivic 20 employees, right?</p> <p>21 A Yes, that would be the largest. Yes.</p> <p>22 Q And that's because you're paying all the 23 CoreCivic employees at least minimum wage, if not more, 24 correct?</p> <p>25 A That's correct.</p>	<p style="text-align: right;">Page 45</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q But my question is, did you -- did CoreCivic, 3 when it was figuring out its labor costs to negotiate 4 that day rate in your original ICE contract, assume 5 that every single job would be performed by a CoreCivic 6 employee and assess the cost on the basis of that, or 7 was there an assumption made that at least some of the 8 jobs would be performed by detainees at a much lesser 9 wage, the dollar to four dollars a day, than the 10 CoreCivic employees were earning?</p> <p>11 MR. LEE: Object to form.</p> <p>12 THE WITNESS: Yeah, again, I don't know 13 that I've been privy to specific inmate or 14 detainee -- how that impacts the per diem 15 rate. To say that we wouldn't have known or 16 entered into -- knowing typically what types 17 of jobs were performed by inmate or detainee 18 labor, I'm sure we would have taken that into 19 factor.</p> <p>20 How that specifically impacts the per 21 diem rate one way or the other, I don't know 22 that I'm capable of saying -- responding to 23 that right here and now.</p> <p>24 Q (By Mr. Howard) And you're not able to say 25 how many detainee laborers, how many detainee workers,</p>

<p>1 RUSSELL WASHBURN</p> <p>2 and in what jobs CoreCivic assumed would be -- let me</p> <p>3 rephrase that.</p> <p>4 You can't say how many detainee jobs</p> <p>5 CoreCivic -- detain -- I'm having problems this</p> <p>6 morning. I might need another cup of coffee.</p> <p>7 A It's early.</p> <p>8 Q It's not that early here. I don't have that</p> <p>9 excuse.</p> <p>10 You can't say how many jobs CoreCivic assumed</p> <p>11 would be performed by detainees when it negotiated the</p> <p>12 original day rate in the ICE contract?</p> <p>13 MR. LEE: Object to form.</p> <p>14 THE WITNESS: No, I could not because I</p> <p>15 wasn't a part of those discussions, nor do I</p> <p>16 recall reviewing anything as such.</p> <p>17 Q (By Mr. Howard) Is it fair to say that to</p> <p>18 the extent CoreCivic negotiated a day rate based on a</p> <p>19 certain level of labor costs based on jobs being</p> <p>20 performed by paid CoreCivic employees, and then some of</p> <p>21 those jobs that CoreCivic assumed would be performed by</p> <p>22 CoreCivic employees end up getting performed by</p> <p>23 detainees at a dollar to four dollars a day, then</p> <p>24 CoreCivic would be saving money in terms of labor</p> <p>25 costs, correct?</p>	<p>1 RUSSELL WASHBURN</p> <p>2 MR. LEE: Object to form, and really</p> <p>3 getting beyond the scope here of what my</p> <p>4 conversations with Ms. Sandley were about</p> <p>5 what this topic was going to be, that it was</p> <p>6 going to be more about general processes and</p> <p>7 not specific negotiations as to how the</p> <p>8 contract was performed.</p> <p>9 MR. HOWARD: I think this was pretty</p> <p>10 general. But you can answer if you're</p> <p>11 able.</p> <p>12 THE WITNESS: I might need you to</p> <p>13 clarify --</p> <p>14 MR. HOWARD: Sure.</p> <p>15 THE WITNESS: -- what you're asking me.</p> <p>16 MR. HOWARD: Sure.</p> <p>17 Q (By Mr. Howard) So we've established that</p> <p>18 CoreCivic does an assessment of what its labor costs</p> <p>19 are going to be when negotiating the day rate in the</p> <p>20 ICE contract, correct?</p> <p>21 A Correct.</p> <p>22 Q And one of the factors in the assessment of</p> <p>23 labor costs is how many CoreCivic employees that you're</p> <p>24 paying minimum wage or more are going to be hired to</p> <p>25 operate Stewart, correct?</p>
<p>1 RUSSELL WASHBURN</p> <p>2 A That's correct.</p> <p>3 Q And if it ends up, after you negotiate the</p> <p>4 contract and get a price that will cover you for those</p> <p>5 costs, you don't hire as many people at Stewart as</p> <p>6 CoreCivic employees, but you use more detainees for a</p> <p>7 dollar to four dollars a day, then your labor costs are</p> <p>8 lower and you're making more money; is that fair to</p> <p>9 say?</p> <p>10 MR. LEE: Object to form.</p> <p>11 THE WITNESS: No, I don't necessarily</p> <p>12 say that's a hundred percent accurate in that</p> <p>13 statement. And I'll say we have to plan our</p> <p>14 facilities because you cannot -- you can't</p> <p>15 operate a facility with the assumption that</p> <p>16 inmate labor, detainee labor is always going</p> <p>17 to be available.</p> <p>18 You're going to have various incidents,</p> <p>19 in this case COVID, where we've ran virtually</p> <p>20 with limited detainees actually working,</p> <p>21 things that cause the facilities to be locked</p> <p>22 down.</p> <p>23 So you can't go into it with the mindset</p> <p>24 that these are always going to be there</p> <p>25 because they're not a reliable means of</p>	<p>1 RUSSELL WASHBURN</p> <p>2 accomplishing tasks that occur within</p> <p>3 correctional or detention or county jail</p> <p>4 facilities. It has to be able to operate and</p> <p>5 continue to operate with or without inmate or</p> <p>6 detainee labor.</p> <p>7 I don't know if that makes sense or not,</p> <p>8 but...</p> <p>9 Q (By Mr. Howard) Well, I understand what</p> <p>10 you're saying. So are you're telling me that CoreCivic</p> <p>11 has hired enough full-time employees to fully operate</p> <p>12 the Stewart Detention Center facility safely and</p> <p>13 securely, keep it clean, if not a single detainee were</p> <p>14 to participate in the voluntary work program? You</p> <p>15 currently have on staff enough CoreCivic full-time</p> <p>16 employees to do that on an ongoing basis?</p> <p>17 MR. LEE: Object to form.</p> <p>18 THE WITNESS: Yeah, again, I can say for</p> <p>19 specific to Stewart, we've been operating</p> <p>20 that way, primarily since COVID started, with</p> <p>21 a number of cohort quarantine pods,</p> <p>22 inabilities for detainees to physically work</p> <p>23 based on restrictions on the COVID protocols</p> <p>24 and rules. We have primarily been operating</p> <p>25 our facility with no -- limited to no</p>

<p>1 RUSSELL WASHBURN</p> <p>2 detainee labor.</p> <p>3 Q (By Mr. Howard) Well, I want to set aside</p> <p>4 COVID right now because that -- first of all, your</p> <p>5 population was decreased substantially during the COVID</p> <p>6 era, correct?</p> <p>7 A Yeah, my population today is around 1100.</p> <p>8 Q And Stewart has operated during the relevant</p> <p>9 time period here, since 2008, with as many as 1966</p> <p>10 detainees housed there, correct?</p> <p>11 A Yes.</p> <p>12 Q And also meal service has been totally</p> <p>13 different since COVID, correct? There's no common</p> <p>14 dining hall facility?</p> <p>15 A Not exclusively. We at times ran the chow</p> <p>16 hall, and then at times we've not ran the chow hall, so</p> <p>17 I won't say a hundred percent.</p> <p>18 Q And, by the way, the population has been as</p> <p>19 low as 2- to 300 during COVID, correct?</p> <p>20 A That's correct.</p> <p>21 Q So let's talk about the pre-COVID time</p> <p>22 period, the period 2008 through 2019.</p> <p>23 Is it your testimony that CoreCivic engaged</p> <p>24 sufficient full-time CoreCivic employees to fully</p> <p>25 operate Stewart Detention Center in a safe and secure</p>	<p>Page 50</p> <p>1 RUSSELL WASHBURN</p> <p>2 and clean fashion if not a single detainee participated</p> <p>3 in the voluntary work program?</p> <p>4 A Yeah, I strongly believe we could operate and</p> <p>5 could have operated our facilities without detainees.</p> <p>6 Again, would it have been as clean as it may have been?</p> <p>7 There may have been some things that we would have</p> <p>8 dropped. But to say that we couldn't operate it, I</p> <p>9 don't know that would be an accurate statement.</p> <p>10 Q For example, there are at various times up to</p> <p>11 170 porters cleaning the facility or detainees?</p> <p>12 MR. LEE: Object to form.</p> <p>13 THE WITNESS: Yes. Primarily cleaning</p> <p>14 within their assigned housing area, yes.</p> <p>15 Q (By Mr. Howard) And 92 kitchen workers,</p> <p>16 correct?</p> <p>17 MR. LEE: Object to form.</p> <p>18 THE WITNESS: Are you asking me to</p> <p>19 confirm that number or --</p> <p>20 MR. HOWARD: Yeah.</p> <p>21 MR. LEE: Object to form.</p> <p>22 THE WITNESS: Again, if you show me a</p> <p>23 document, I would say that that's probably</p> <p>24 close, yes. But, again, to say that that's</p> <p>25 the accurate number, I'd have to look at the</p>
<p>1 RUSSELL WASHBURN</p> <p>2 documents to say that for certain.</p> <p>3 Q (By Mr. Howard) We'll look at documents,</p> <p>4 I'll represent to you, but it would be your testimony</p> <p>5 that if none of those 92 detainees chose to work in the</p> <p>6 voluntary work program and there were no other</p> <p>7 detainees to take those positions, CoreCivic had 92</p> <p>8 staff members available to prepare and serve meals and</p> <p>9 clean and do all the work kitchen workers did?</p> <p>10 MR. LEE: Object to form.</p> <p>11 THE WITNESS: Again, could we perform</p> <p>12 the vital tasks of the day-to-day operations?</p> <p>13 Yes. I think we've proven that again</p> <p>14 currently. But to say that it would be at</p> <p>15 the same level of degree, you know, again</p> <p>16 sanitation-wise and that, I don't know that</p> <p>17 anyone could make that argument.</p> <p>18 Q (By Mr. Howard) By the way, could you just</p> <p>19 briefly tell us, so we have this for the record, your</p> <p>20 employment history at CoreCivic before coming to</p> <p>21 Stewart Detention Center?</p> <p>22 A Yes. You want me to go all the way back from</p> <p>23 when I started?</p> <p>24 Q Yes, please.</p> <p>25 A Okay. It will be a minute. So I started in</p>	<p>Page 52</p> <p>1 RUSSELL WASHBURN</p> <p>2 July of 1996, started out as a correctional officer in</p> <p>3 the Hernando County Jail, which was located in central</p> <p>4 Florida. Worked through various ranks while there. I</p> <p>5 was a correctional officer, I was an assistant shift</p> <p>6 supervisor, a lieutenant, a unit manager, a training</p> <p>7 manager.</p> <p>8 From there I transferred -- promotion to</p> <p>9 David L. Moss Criminal Justice Center in Tulsa,</p> <p>10 Oklahoma, where I assumed the role of chief of</p> <p>11 security. From there I did a lateral transfer back to</p> <p>12 Florida, which was Gadsden Correctional Facility in the</p> <p>13 northern part of Florida, again as the chief of</p> <p>14 security. I was there for a period of time, promoted</p> <p>15 to assistant warden at that facility.</p> <p>16 And then I did a lateral transfer back to the</p> <p>17 Hernando County Jail, and then ultimately was promoted</p> <p>18 to warden while at the Hernando County Jail. And then</p> <p>19 I moved to the Citrus County Detention Center in</p> <p>20 Lecanto, Florida, neighboring county, again still with</p> <p>21 CoreCivic, as a warden. Was there for, I guess, about</p> <p>22 six and a half years.</p> <p>23 Did a lateral transfer to Trousdale Turner,</p> <p>24 which is located in Hartsville, Tennessee. And then I</p> <p>25 did a lateral transfer as warden to Stewart Detention</p>

<p>1 RUSSELL WASHBURN</p> <p>2 Center in April of 2020. And I hope I --</p> <p>3 Q And to whom do you report now as warden of</p> <p>4 Stewart Detention Center?</p> <p>5 A Charles Keeton, K-E-E-T-O-N. He is the</p> <p>6 managing director.</p> <p>7 Q Managing director for what?</p> <p>8 A Our Division II.</p> <p>9 Q And what does Division II comprise?</p> <p>10 A I believe there's seven facilities -- or six</p> <p>11 now, six total facilities.</p> <p>12 Q Those are all ICE detention centers?</p> <p>13 A Yes, I do think that some of them are ICE and</p> <p>14 house marshals; and one of them, I know for sure, maybe</p> <p>15 two of them, have a little small county jail attached</p> <p>16 to them as well.</p> <p>17 Q And is Mr. Keeton at the FSC?</p> <p>18 A Yes.</p> <p>19 Q By the way, just to again complete the</p> <p>20 record, what is your educational background? You have</p> <p>21 a background in corrections?</p> <p>22 A Yes. I went through high school, and then I</p> <p>23 went through the accredited academy in the state of</p> <p>24 Florida, so I'm a certified officer in the state of</p> <p>25 Florida. Assumed some college credits through that</p>	<p>Page 54</p> <p>1 RUSSELL WASHBURN</p> <p>2 process, but did not go any further, so I do not have a</p> <p>3 current degree.</p> <p>4 Q And did you have employment before</p> <p>5 CoreCivic --</p> <p>6 A I --</p> <p>7 Q -- or was that your first job?</p> <p>8 A No, no, that wasn't my first job. I did</p> <p>9 construction-type work prior to, but that was the days</p> <p>10 that I was in high school, so...</p> <p>11 Q Okay. Don't need to go there.</p> <p>12 A I'm sorry. Full-time outside of high school</p> <p>13 has been CoreCivic, yes, sir.</p> <p>14 Q So you're a career CoreCivic guy?</p> <p>15 A Yes, sir. Working on my 26th year.</p> <p>16 Q Congratulations.</p> <p>17 A Thank you.</p> <p>18 MR. HOWARD: Can we pull up the</p> <p>19 CoreCivic 2020 annual report, please.</p> <p>20 (Discussion off the record.)</p> <p>21 (Exhibit 2 marked for identification.)</p> <p>22 Q (By Mr. Howard) Have you seen the CoreCivic</p> <p>23 2020 annual report?</p> <p>24 A Yes, I have.</p> <p>25 Q Let's go to page 21, if we can. At the</p>
<p>1 RUSSELL WASHBURN</p> <p>2 bottom of page 21, there's a reference to Stewart</p> <p>3 Detention Center.</p> <p>4 A Yes, sir, I see it.</p> <p>5 Q ICE as a primary customer?</p> <p>6 A Yes, sir.</p> <p>7 Q And the term of the contract is indefinite;</p> <p>8 do you see that?</p> <p>9 A Yes.</p> <p>10 Q Does that give you an indication of the</p> <p>11 process by which the ICE contract with Stewart was</p> <p>12 awarded? It wasn't necessarily a bid process?</p> <p>13 MR. LEE: Object to form.</p> <p>14 Q (By Mr. Howard) Or do you know?</p> <p>15 A I don't know or else I don't understand your</p> <p>16 question.</p> <p>17 Q Well, the fact that there's no set term that</p> <p>18 the contract expires, is that consistent with a certain</p> <p>19 type of contracting process with CoreCivic facilities</p> <p>20 with ICE?</p> <p>21 MR. LEE: Object to form and beyond the</p> <p>22 scope.</p> <p>23 THE WITNESS: I think I understood your</p> <p>24 question, the first to say would that negate</p> <p>25 the bidding process?</p>	<p>Page 56</p> <p>1 RUSSELL WASHBURN</p> <p>2 MR. HOWARD: Right.</p> <p>3 THE WITNESS: Not to my knowledge, it</p> <p>4 would not.</p> <p>5 Q (By Mr. Howard) Under the category "Design</p> <p>6 Capacity," you see it says 1,752?</p> <p>7 A Yes.</p> <p>8 Q What is that a reference to?</p> <p>9 A That's the contract that staffing -- staffing</p> <p>10 levels.</p> <p>11 Q What do you mean by that?</p> <p>12 A It's not the total number of beds that we</p> <p>13 have at the facility. That's the number that, in this</p> <p>14 case, ICE, the partner, has communicated that their</p> <p>15 desire is to potentially utilize up to seventeen</p> <p>16 fifty-two -- one thousand seven hundred and fifty-two</p> <p>17 beds.</p> <p>18 Q And that's set to your staffing levels?</p> <p>19 A Yes, it would. I mean, that would drive how</p> <p>20 we would staff the facility, yes.</p> <p>21 Q And if the population goes above 1752, do you</p> <p>22 hire additional staff?</p> <p>23 A We would evaluate that, yes, to determine if</p> <p>24 there's a need for additional staff, yes.</p> <p>25 Q And if you evaluate and determine there's a</p>

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1	RUSSELL WASHBURN	1	RUSSELL WASHBURN
2	need for additional staff, does that then require you	2	could clarify briefly, and if I'm going too
3	to go back to ICE to get approval for that?	3	far, you just tell me. We're actually --
4	A Yes, because we would also negotiate that	4	1600 is the contracted staffing amount that's
5	per diem rate adjustment to -- for the additional staff	5	currently there. Although we have our --
6	that were necessary based on the number that they're	6	there's two separate staffing patterns that
7	now asking us to potentially house.	7	are established. There's a 1600-bed, which
8	Q Are you aware that that's happened over time?	8	is what we're currently contracted with ICE,
9	A Yes.	9	is a guarantee of 1600, and then -- but we
10	Q So when -- we were talking earlier about a	10	operate off of the staffing pattern of 1,752,
11	negotiation of the day rate, per diem rate. And	11	which is more staff, although that's not
12	CoreCivic makes an assessment of its costs, including	12	currently what we're -- that's not in the per
13	its labor costs, and that assessment is based on the	13	diem rate. So we actually are hiring more
14	notion of the costs associated with housing 1752	14	staff than what we're actually being paid
15	people?	15	for. I hope that makes sense.
16	A Yes. I'm sorry, I thought you had more to	16	MR. HOWARD: It does. I'm going to get
17	the question. I apologize.	17	to the modification and the minimum in a
18	Q No, I'm stopping there.	18	moment.
19	And then to the extent that ICE says, "We	19	THE WITNESS: Okay.
20	want you to house more than 1752 people," then you have	20	Q (By Mr. Howard) But the notion here, though,
21	to make an evaluation if your labor costs are going to	21	is since you're paid a per diem rate, that -- and,
22	go up, and then you could appeal to ICE to increase the	22	again, just for the record, that means you're paid by
23	day rate, correct?	23	ICE a certain amount of money for each detainee for
24	MR. LEE: Object to form.	24	each day the detainee is housed at Stewart, correct?
25	THE WITNESS: That is correct. But if I	25	A Yes, sir, that is correct.
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1	RUSSELL WASHBURN	1	RUSSELL WASHBURN
2	Q So the higher the number of detainees you're	2	CoreCivic's bottom line, correct?
3	housing, the more money ICE pays you, correct?	3	A Can you give me an example of what you're
4	A Yes. Again, if it requires a staffing	4	classifying as a fixed cost?
5	element change, it's going to have additional cost to	5	Q Well, you tell me. What are the fixed costs?
6	us, yes.	6	You're the warden there. Tell me what are your fixed
7	Q Well, certainly you're familiar with the	7	costs.
8	difference between fixed costs and variable costs,	8	A Well, again, there's not too many things that
9	correct?	9	would qualify when you talk about adding more people.
10	A I am, yes, sir.	10	Virtually, a lot of things are going to shift. You're
11	Q And fixed costs are costs that don't change	11	going to have additional food costs, you're going to
12	no matter how many people you're housing now?	12	have additional clothing costs, you're going to have
13	A Correct.	13	higher utility usage. Quite frankly, there's going to
14	Q And variable costs are costs that vary	14	be very limited items that would say it's a fixed cost.
15	depending upon how many people you're housing, correct?	15	Just as -- an example I can give to you is
16	A That's correct.	16	that we have a -- we have railboxes that we have on
17	Q And you're saying that to some extent,	17	site for storage of records, and we know what that cost
18	staffing can be variable in that if that cost increases	18	is going to be every single month. That wouldn't
19	because you have to add staff because you're housing	19	really change. And, again, that could because, again,
20	more people, then you can go to ICE to get a higher	20	you could produce more records and now we need more
21	rate to cover that increased cost, correct?	21	space to place, you know, additional records.
22	A Yes, sir.	22	So I would say that there's more variable
23	Q To the extent you have fixed costs that do	23	costs, and all costs are going to go up as you increase
24	not increase no matter how many people you house there,	24	your population.
25	then housing more people will put more money to	25	Q But there are fixed costs. For example,

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1	RUSSELL WASHBURN	
2	you're a fixed cost?	
3	A Yes.	
4	Q Stewart only needs one warden whether you	
5	have two detainees there or 2,000, correct?	
6	A That's correct, yes.	
7	Q So your salary is a fixed cost. And I assume	
8	there are other people in the management structure at	
9	Stewart who you would characterize the same way,	
10	correct?	
11	A Yes. I think we have currently 30 or 32	
12	staff members that would be an exempt employee or	
13	classified as an exempt employee.	
14	Q And how many nonexempt employees do you have?	
15	A Today -- are you asking about staffing	
16	pattern or what we physically have?	
17	Q Well, physically have today.	
18	A Nonexempt -- and, again, I can't give you an	
19	exact number, but we're in that 350 to 360 -- somewhere	
20	between 350 and 360 mark outside -- that are hourly.	
21	Q So that's the thing, the nonexempt are	
22	hourly, the exempt are salary?	
23	A That's correct, yes, sir.	
24	Q Okay. And how does that 350 to 360 vary from	
25	the staffing plan?	
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1	RUSSELL WASHBURN	
2	Q Do you know the maximum number of detainees	
3	held at Stewart in 2019?	
4	A You're asking me for design capacity or --	
5	Q No, just the actual physical number.	
6	A Oh. No, sir, I do not.	
7	Q Now, you mentioned the 1600 minimum. When	
8	did that go into effect?	
9	A It was before my time. Again, I'd have to go	
10	back to look at the records to see when that	
11	modification or when that change occurred to give you a	
12	specific date or time frame.	
13	MR. HOWARD: Let's pull that up, then.	
14	Let's look at -- so February 2016	
15	modification. For the record, this is	
16	CCBVA439.	
17	(Exhibit 3 marked for identification.)	
18	MR. HOWARD: So we've marked for the	
19	record as Exhibit No. 3 a modification of	
20	contract effective February 4th, 2016.	
21	Q (By Mr. Howard) Is this one of the documents	
22	you reviewed in preparation for the deposition?	
23	A I believe so, yes, sir.	
24	MR. HOWARD: If we scroll down -- stop	
25	there.	
1	RUSSELL WASHBURN	
2	A The budget of staffing pattern is -- I don't	
3	know if you have a staffing pattern you could pull up	
4	or not, but my memory, I believe it's 430, 435. Again,	
5	without looking at the exact document, I believe that's	
6	right.	
7	Q And that 430 to 435 is based on housing how	
8	many residents?	
9	A 1600.	
10	Q And when -- at times when the population has	
11	been higher than 1600, has CoreCivic employed more than	
12	430 nonexempt hourly workers?	
13	A I would have to review their records at that	
14	time. It has not been over that since I've been here,	
15	so I'd have to go back and review those individual	
16	records for that period.	
17	Q Okay. Do you know what the highest number of	
18	detainees at any one time has been at Stewart?	
19	A I do not. I heard -- I mean, I heard you	
20	reference 1966, I think, earlier, but outside of that,	
21	no.	
22	Q Do you know what the average number of	
23	detainees held at Stewart was in 2019, the year before	
24	the pandemic?	
25	A I do not.	

<p style="text-align: right;">Page 66</p> <p>1 RUSSELL WASHBURN 2 have had as low as 2- to 300, to continue to get paid 3 as if you have 1600 detainees there, that's a pretty 4 good deal for CoreCivic, right? 5 MR. LEE: Object to form. 6 THE WITNESS: Yeah, I mean, certainly it 7 is good for that component of. I will tell 8 you more often than not, specifically with 9 COVID, we're operating as if all the units 10 are open anyway, with the amount of cohorts 11 and things of that nature that take place. 12 So I don't know that there was any 13 savings specifically in, like, staffing and 14 things of that nature because we were 15 still -- and still today even, below the 16 1100, we're operating virtually every housing 17 unit and every pod as if all those beds were 18 filled. 19 Q (By Mr. Howard) Well, you told me that the 20 nonexempt hourlies dropped from 430, which is what you 21 would have if you had 1600 people, down to 350 or 360, 22 so that's 70 employees less that you don't have to pay, 23 right? 24 A Yeah, that one -- 25 MR. LEE: Object to form.</p>	<p style="text-align: right;">Page 67</p> <p>1 RUSSELL WASHBURN 2 THE WITNESS: I'm sorry. 3 That's not -- that reduction didn't 4 occur because of the reduction in population. 5 CoreCivic and Stewart Detention are not 6 unique in the labor market of today. We're 7 still and have been and continue to actively 8 recruit to fill every one of those positions, 9 and we'll fill every one of those positions 10 regardless as to whether or not we have 200 11 or 1900. 12 Q (By Mr. Howard) And you've got -- you've 13 told me about all the other variable costs before, like 14 food. If you only have to feed 2- to 300 detainees, it 15 costs you less than feeding 1600, or do you buy food 16 for 1600 and not use it? 17 A No. 18 MR. LEE: Object to form. 19 THE WITNESS: I'm sorry. 20 No, we would not buy food just to throw 21 it away and be a waste of that, no. 22 Q (By Mr. Howard) So that's one of the 23 variable costs that has gone down with the population 24 being reduced while you still get paid the minimum 25 amount, correct?</p>
<p style="text-align: right;">Page 68</p> <p>1 RUSSELL WASHBURN 2 A There's a food cost that goes down, but we 3 actually have a contract with a third party to provide 4 our services, so there's -- actually, if you look at my 5 budget today, I'm -- even then, I was paying higher 6 because the rate for the contractor, we still have to 7 make them whole, so we actually pay more per meal per 8 day per detainee when we have a lower number. 9 Q But as a total cost, are you paying more to 10 Trinity now for food than you were paying when you had 11 1600 detainees or less? 12 A Again, since I've been here, we haven't have 13 had 1600, but I can tell you that I'm paying more 14 today, and even back when I had 3- and 400, than when I 15 had a thousand. 16 Q Do you know whether you're paying more since 17 you've been there to Trinity than your predecessors 18 were paying when there were 1600 detainees or more 19 housed at Stewart? 20 MR. LEE: Object to form. Exceeds the 21 scope. 22 THE WITNESS: I can't answer. Without 23 looking at their financial records at the 24 time that they were here, I can't answer 25 that.</p>	<p style="text-align: right;">Page 69</p> <p>1 RUSSELL WASHBURN 2 Q (By Mr. Howard) To the extent that this 1600 3 minimum was new to the contract in 2016 and gave 4 CoreCivic a benefit, do you know what, if anything, 5 CoreCivic gave as a concession to ICE in order to get 6 that minimum? 7 A Yes. I think if you scroll past -- I think 8 it's probably 0005. I think that was also in 9 conjunction with the renovation and the 30,000 square 10 feet of module office space for ICE staff that was put 11 in place at that time. That was part of that 12 discussion and that negotiation. 13 Q So you would put in the square foot -- 30,000 14 square feet of modular space for ICE staff in return 15 for the minimum? 16 A Yes. And then it, of course, talks about the 17 total facility capacity of 1966 beds. So the 18 information that's contained within there would have 19 all been factored into that per diem rate adjustment. 20 Q Okay. We're going to get to the per diem 21 rate adjustment -- 22 A I'm sorry. 23 Q -- in the next sentence, but I'm asking 24 specifically to the extent the minimum was something 25 new and provided kind of a new benefit, not just</p>

<p style="text-align: right;">Page 70</p> <p>1 RUSSELL WASHBURN</p> <p>2 increase of the per diem rate, but actually setting a 3 floor, minimum guarantee to CoreCivic, what you gave in 4 return for that, and you pointed to the modular space 5 you built for ICE. Is there anything else?</p> <p>6 A Again, all the items that are listed there 7 where it says "Provider providing the following" and 8 each one of those items listed there in this exhibit.</p> <p>9 Q So the recreational upgrades of new fencing, 10 existing sidewalk, the basketball courts, and two new 11 inmate toilets and new recreation yard lighting, that's 12 what you gave to ICE in return for the minimum?</p> <p>13 A Yes. Based off of this document here, yes.</p> <p>14 Q Anything else?</p> <p>15 A Nothing that I would be aware of.</p> <p>16 Q Now, going down again to the 1600 minimum, I 17 mentioned it before, but I just want to confirm it's 18 correct, the bed day rate of 62.48 is what ICE pays in 19 total and from which Stewart County takes its cut, 20 correct?</p> <p>21 A Yes.</p> <p>22 Q And as of 2016, was Stewart County's cut \$1 23 per detainee?</p> <p>24 A I don't believe it was a dollar at that time. 25 I think it was less than. 85 cents, I believe, if</p>	<p style="text-align: right;">Page 71</p> <p>1 RUSSELL WASHBURN</p> <p>2 memory serves me correct from the records I reviewed, 3 might have been accurate at that particular time.</p> <p>4 Q All right, so the balance of roughly, you 5 know, \$61.70 or so, that would go to CoreCivic, 6 correct?</p> <p>7 A Yes.</p> <p>8 Q And did the funds flow through Stewart 9 County, like ICE would pay Stewart County, they would 10 take their share and then pass along the bulk of the 11 money to CoreCivic?</p> <p>12 A Yes, it would go through as -- they're the 13 primary contractor with ICE, so it would go to -- I 14 believe that's been the relationship since day one of 15 operation.</p> <p>16 Q The invoices go directly from CoreCivic to 17 ICE, though, correct?</p> <p>18 A That's correct.</p> <p>19 Q Now, today the Stewart County cut is a 20 dollar; is that right?</p> <p>21 A Yes, sir.</p> <p>22 Q All right. So I did some math based on a 23 dollar coming out. So let's just use that, because 24 it's more conservative, and say that according to the 25 modification here in Exhibit 3, that CoreCivic receives</p>
<p style="text-align: right;">Page 72</p> <p>1 RUSSELL WASHBURN</p> <p>2 a minimum of \$61.48 for 1600 detainees even if the 3 number of detainees at Stewart is less than that. Is 4 that a correct starting point for the math?</p> <p>5 A That's correct.</p> <p>6 Q So if I were to multiply 1600 times \$61.48, I 7 get \$98,368. Is that the amount that CoreCivic has 8 been receiving as a daily minimum from ICE during your 9 tenure as warden?</p> <p>10 A I'll trust your math and say yes.</p> <p>11 Q And if you trust my math again, multiplying 12 that by 365 -- I didn't even put in the leap year day 13 in your first year of 2020 -- that comes out to 14 \$35,904,320 per year.</p> <p>15 So in the first 12 months that you were 16 warden, did CoreCivic receive close to \$36 million from 17 ICE for its regularly housed detainees?</p> <p>18 A Are you asking me for 2016 or for 2020?</p> <p>19 Q No, no, no. 2020, because the -- well, 20 actually the day rate went up. I'm sorry, you're 21 right. So in 2016, would that have been the correct 22 math calculation to do?</p> <p>23 A Yes. Based on the math, yes.</p> <p>24 Q Okay. Now, this modification also set forth 25 a tiered rate. So there's a Tier 2, where if you go</p>	<p style="text-align: right;">Page 73</p> <p>1 RUSSELL WASHBURN</p> <p>2 above the guaranteed minimum, the day rate comes down 3 to 61.85 for beds 1601 to 1750, correct?</p> <p>4 A That's correct.</p> <p>5 Q And then on the next page, I think you'll see 6 a third tier, which is if you go from 1751 up to 1956, 7 it's \$40 a day, correct?</p> <p>8 A That's correct.</p> <p>9 Q Do you know how all that was negotiated in 10 terms of determining fixed costs and variable costs and 11 what the cost to CoreCivic would be, for example, for 12 increasing to above 1750 detainees?</p> <p>13 MR. LEE: Object to form. Beyond the 14 scope.</p> <p>15 THE WITNESS: I mean, I was not directly 16 involved, obviously, with these discussions 17 during that period of time, but much of what 18 we already talked about would have been 19 factored in, meaning what are the variable 20 things that could see a potential increase, 21 what would that increase look like, and where 22 would that per diem need to be in order to 23 make it appropriate for us to enter into that 24 contract.</p> <p>25 Q (By Mr. Howard) And as we talked about,</p>

<p style="text-align: right;">Page 74</p> <p>1 RUSSELL WASHBURN</p> <p>2 CoreCivic would not enter into a contract with</p> <p>3 financial terms where you would lose money or break</p> <p>4 even, correct?</p> <p>5 A Not that I'm aware of, no.</p> <p>6 Q And what I'd like to know is -- scrolling</p> <p>7 back -- for the Tier 2, for beds 1601 to 1750, at that</p> <p>8 bed day rate of 61.85 or net \$61, what is the profit</p> <p>9 margin to CoreCivic from that bed rate?</p> <p>10 A At that time -- I don't know what it would</p> <p>11 have been at that particular period of time.</p> <p>12 Q All right, so we'll get to the rates that are</p> <p>13 in effect now, and I'll be asking the same question.</p> <p>14 Same thing, for the \$40 rate, that tier, do</p> <p>15 you know what the profit margin is there?</p> <p>16 A Yes. I think it averages about 28 percent.</p> <p>17 Q That \$40 rate for beds 1751 and above is</p> <p>18 still in effect today, correct?</p> <p>19 A Yes.</p> <p>20 Q And you're telling me that at that \$40 rate,</p> <p>21 which is net \$39 per detainee per day to CoreCivic, you</p> <p>22 have a 28 percent profit margin?</p> <p>23 A Again, I have not been to that number, just</p> <p>24 by budget projections, which is established on that</p> <p>25 1600. So I'd have to get the budget sheet and then</p>	<p style="text-align: right;">Page 75</p> <p>1 RUSSELL WASHBURN</p> <p>2 look at those numbers and how they would adjust. I can</p> <p>3 only answer for what the current budget has in place.</p> <p>4 Q Okay. And it would be 28 percent profit</p> <p>5 margin?</p> <p>6 A I believe that's what we're averaging, yes.</p> <p>7 MR. HOWARD: Well, let's take a look at</p> <p>8 the current modification so we can talk in</p> <p>9 terms of the current numbers. And if we</p> <p>10 could pull up STEW0050, the September 2020</p> <p>11 modification.</p> <p>12 THE WITNESS: And I don't need it now,</p> <p>13 but maybe in the next 15 minutes or so for a</p> <p>14 restroom break.</p> <p>15 MR. HOWARD: Why don't we do it now</p> <p>16 while she's pulling up the document.</p> <p>17 THE WITNESS: I'm good. I just don't</p> <p>18 want to interrupt the train of thought, so...</p> <p>19 (Exhibit 4 marked for identification.)</p> <p>20 Q (By Mr. Howard) All right, so I'm showing</p> <p>21 you now Exhibit 4. This is another modification of the</p> <p>22 ICE contract. And, again, the date of this is -- I'm</p> <p>23 sorry, it's not -- up there -- we can scroll down. I</p> <p>24 believe it's September 25th, 2020. Yeah, that's the</p> <p>25 date it was signed by Joseph Williams. By the way, do</p>
<p style="text-align: right;">Page 76</p> <p>1 RUSSELL WASHBURN</p> <p>2 you know who Joseph Williams is?</p> <p>3 A I believe he's with the commission here in</p> <p>4 Stewart County.</p> <p>5 Q Okay. And if we scroll down, this talks</p> <p>6 about annual cost impacts, namely the increase in wages</p> <p>7 and benefits due to new wage determination for</p> <p>8 nonmedical personnel, and that's led to a day rate</p> <p>9 increase under the contract with ICE?</p> <p>10 A Yes, sir.</p> <p>11 Q So this goes back to what we were talking</p> <p>12 about before, that if wages go up or staff needs go up,</p> <p>13 then you can apply to get those costs covered by an</p> <p>14 increase in the day wage -- day rate?</p> <p>15 A When you say "apply," that's actually just an</p> <p>16 automatic process because the federal government, when</p> <p>17 they adjust -- they're the ones who adjust the -- and</p> <p>18 determine the appropriate wage determination. So</p> <p>19 it's -- we don't request for it or apply for it. It's</p> <p>20 an automatic process that's built in.</p> <p>21 Q Understood. So it's a little bit different</p> <p>22 when it works because you're getting a higher day rate</p> <p>23 because of wages increased to the current staff you</p> <p>24 already have versus having to hire more staff?</p> <p>25 A Correct.</p>	<p style="text-align: right;">Page 77</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q Now, are there any expenses that CoreCivic</p> <p>3 incurs operating Stewart that are compensated by the</p> <p>4 government separate from the day rate? Now -- and I'm</p> <p>5 not talking about the transportation and some of those</p> <p>6 line items we'll look at in the billing statement, but</p> <p>7 I'm talking about if you have a capital improvement you</p> <p>8 need to make or there's some other kind of expense</p> <p>9 affecting the operation of Stewart. Is that something</p> <p>10 that you can get compensated by ICE, or is everything</p> <p>11 through day rate?</p> <p>12 A No, I think -- I believe it would go through</p> <p>13 day rate. For example, if they were to ask us to</p> <p>14 construct a new section for a purpose for them, then we</p> <p>15 would negotiate the per diem rate and it would be</p> <p>16 covered through that particular element. I do believe</p> <p>17 they do have a mechanism to where they can pay</p> <p>18 directly. I believe they utilize that -- again, this</p> <p>19 was before my time, so I'd have to research for</p> <p>20 accuracy, but I do believe they paid for the</p> <p>21 construction of the courtrooms that were specifically</p> <p>22 for the ICE and federal judges.</p> <p>23 Q So here, if we look down, No. 3 -- I'm going</p> <p>24 to come back to No. 2 -- actually, I'm sorry. Go back</p> <p>25 up to the top. I guess it's -- so the bed day rate has</p>

<p style="text-align: right;">Page 78</p> <p>1 RUSSELL WASHBURN</p> <p>2 now been increased based on the wage increases to</p> <p>3 67.84. That was what you referred to before as the</p> <p>4 current Tier 1 bed day rate?</p> <p>5 A That's correct, yes, sir.</p> <p>6 Q And so that 67.84 is for the first 1600.</p> <p>7 That applies to the minimum, correct?</p> <p>8 A That is correct.</p> <p>9 Q So the net to CoreCivic is 66.84, correct?</p> <p>10 A That's correct.</p> <p>11 Q And CoreCivic currently receives from ICE</p> <p>12 through Stewart County \$66.84 for 1600 detainees, even</p> <p>13 though since you've been there you've housed as few as</p> <p>14 200 to 300?</p> <p>15 A That's correct.</p> <p>16 Q And doing my math again -- I used the same</p> <p>17 calculator, so if you'll assume it's working correctly</p> <p>18 again -- 66.84 times 1600 is \$106,944 per day.</p> <p>19 Is that consistent with your general</p> <p>20 understanding of how much ICE is paying CoreCivic for</p> <p>21 the minimum guarantee, 1600 detainees?</p> <p>22 A Yes, sir. That would be the math formula,</p> <p>23 yes.</p> <p>24 Q And that comes out to over \$39 million per</p> <p>25 year guaranteed minimum from ICE to Stewart?</p>	<p style="text-align: right;">Page 79</p> <p>1 RUSSELL WASHBURN</p> <p>2 A Yes, sir. Yes, with your math, that would be</p> <p>3 right.</p> <p>4 Q And CoreCivic has received at least this</p> <p>5 amount every day since you've been warden from ICE?</p> <p>6 A Can you clarify the amount you're saying</p> <p>7 every day?</p> <p>8 Q That 106,944.</p> <p>9 A Yes.</p> <p>10 MR. LEE: Object to form.</p> <p>11 THE WITNESS: I'm sorry.</p> <p>12 Q (By Mr. Howard) Now, I think you told me</p> <p>13 it's never been above 1600 since you've been there?</p> <p>14 A It has not.</p> <p>15 Q But if it were to go above 1600, then</p> <p>16 would -- what would be the tier -- like between 1601</p> <p>17 and 1750, would the Tier 2 rate still be the same rate</p> <p>18 as the prior modification we looked at from 2016?</p> <p>19 A Unless there was a change in the agreement,</p> <p>20 then yes. Now, if there's a change that would adjust</p> <p>21 those, then obviously it would be that particular rate.</p> <p>22 I don't recall ever seeing a change that would change</p> <p>23 those different tier level rates.</p> <p>24 Q Okay, so -- and the \$40 rate above 1750, you</p> <p>25 believe is still in effect?</p>
<p style="text-align: right;">Page 80</p> <p>1 RUSSELL WASHBURN</p> <p>2 A It would be in effect unless there was a</p> <p>3 contract modification to that agreement.</p> <p>4 Q And so if there were to come a day when there</p> <p>5 would be more than 1600 detainees, in the math, would</p> <p>6 you just be adding the number of additional detainees</p> <p>7 times the applicable day rate for their tier?</p> <p>8 A Yes, sir.</p> <p>9 Q And I believe you said that currently there's</p> <p>10 a 28 percent profit margin. Which of the three rates</p> <p>11 does that 28 percent margin apply to, or is that a</p> <p>12 blended total margin?</p> <p>13 A No. The budgets are built on that 1600, so</p> <p>14 it would be at that 1600.</p> <p>15 Q And do you know whether -- in periods before</p> <p>16 you arrived at Stewart and Stewart was housing more</p> <p>17 than 1600 detainees, whether the profit margins would</p> <p>18 increase or decrease with the additional detainees?</p> <p>19 MR. LEE: Object to form.</p> <p>20 THE WITNESS: Without reviewing those</p> <p>21 financial records for that period, I don't</p> <p>22 know that I could answer that.</p> <p>23 Q (By Mr. Howard) Looking at No. 2 on</p> <p>24 Exhibit -- I guess it's Exhibit 4, the 2020</p> <p>25 modification, there's a discussion of increases in</p>	<p style="text-align: right;">Page 81</p> <p>1 RUSSELL WASHBURN</p> <p>2 wages for medical service personnel leading to an</p> <p>3 increase in the day rate for medical services. What is</p> <p>4 the medical services per diem?</p> <p>5 A Well, it's 22.26 per inmate per day, based on</p> <p>6 this modification.</p> <p>7 Q Understood. And this is in addition to the</p> <p>8 67.84 guaranteed minimum for 1600?</p> <p>9 A That's correct.</p> <p>10 Q And how is this determined? Like, this day</p> <p>11 rate applies to whom?</p> <p>12 A I don't know that I understand the question.</p> <p>13 Q So the 67.84 applies to how many detainees</p> <p>14 you have housed in Stewart with a guaranteed minimum of</p> <p>15 1600. In addition, you're getting paid a 22.26 per</p> <p>16 diem rate times something. What is that something?</p> <p>17 A It would be the same. That 67.84 is all the</p> <p>18 costs for that 1600 minus medical. The 22.26 is your</p> <p>19 specific medical cost per inmate per day, so the same</p> <p>20 math would apply.</p> <p>21 Q So the 22.26 is in addition to the 67.84?</p> <p>22 A That's correct.</p> <p>23 Q So this 22.26, does that also apply to a 1600</p> <p>24 minimum?</p> <p>25 A Yes, I believe it does.</p>

<p style="text-align: right;">Page 82</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q When did CoreCivic -- well, did ICE always 3 pay a medical service per diem on top of the regular 4 day rate from the time this contract was entered into?</p> <p>5 A I would say no because ICE actually -- IHSC 6 operated their medical department. CoreCivic did not 7 operate. I believe that transition occurred in 2018. 8 So it would have been somewhere around that time frame, 9 I would suspect. Again, I can't tell you the 10 relationship between IHSC -- they wouldn't have paid it 11 to us because we were not providing medical services.</p> <p>12 Q And when did CoreCivic first start providing 13 the medical services at Stewart?</p> <p>14 MR. LEE: Object to form.</p> <p>15 THE WITNESS: Prior to my time, but I 16 believe it was 2018. November of 2018, I 17 believe is accurate, but I'd have to go back 18 and look at the records to confirm.</p> <p>19 Q (By Mr. Howard) Now, this additional day 20 rate for the provision of medical services, does that 21 also include a profit margin?</p> <p>22 MR. LEE: Object to form.</p> <p>23 THE WITNESS: I would assume yes; but, 24 again, that would be an assumption. I'd have 25 to go back and look at the records.</p>	<p style="text-align: right;">Page 83</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q (By Mr. Howard) Okay, your assumption is, 3 again, like the regular day rate, that day rate would 4 be negotiated in a way so CoreCivic would not lose 5 money or break even, but would make money on providing 6 medical services for the detainees, correct?</p> <p>7 A Correct.</p> <p>8 Q And if my math is right, \$22.26 -- by the 9 way, does Stewart get a dollar out of this 22.26, or 10 does that all come to CoreCivic?</p> <p>11 A I believe that -- all through to CoreCivic.</p> <p>12 Q And that 22.26 times a 1600 minimum means 13 \$35,616 per day in addition to the 106,944 per day to 14 CoreCivic under the regular day rate, correct?</p> <p>15 A Yes, sir. Using your math, yes, sir.</p> <p>16 Q Okay. And for a year, I have it come out to 17 \$12,999,840. Is that roughly consistent with your 18 understanding how much you're being paid for the 19 medical per diem per year by ICE?</p> <p>20 A Yes, sir, I would say that's -- again, using 21 the basic form of the math, yes.</p> <p>22 Q All right. And if you add that figure to the 23 \$39,034,560 for the minimum ICE payments for the day 24 rate, you get a total of 52,034,400 per year.</p> <p>25 Is that consistent with your understanding of</p>
<p style="text-align: right;">Page 84</p> <p>1 RUSSELL WASHBURN</p> <p>2 what ICE is paying CoreCivic for the regular day rate 3 plus the medical services day rate per year for 4 operation of the Stewart Detention Center?</p> <p>5 A Yes.</p> <p>6 Q And if you apply a profit margin of 28 7 percent to that figure, you get a profit that CoreCivic 8 is earning at Stewart Detention Center of fourteen 9 million five hundred sixty-nine dollars and six hundred 10 and thirty-two cents per year.</p> <p>11 Is that consistent with your understanding of 12 the profits being earned by CoreCivic at Stewart 13 Detention Center currently?</p> <p>14 A Yes. That would be within the range, yes.</p> <p>15 MR. HOWARD: Okay, we can take a break.</p> <p>16 Thank you.</p> <p>17 (Recess taken.)</p> <p>18 Q (By Mr. Howard) Mr. Washburn, I just want to 19 follow up on one series of questions from earlier this 20 morning. My colleague, Ms. Sandley, is going to cover 21 the topic of discipline with you in more detail, but 22 you had mentioned not being aware of any discipline 23 with respect to the work program. And I just wanted to 24 show one email because it covers that subject, then 25 another.</p>	<p style="text-align: right;">Page 85</p> <p>1 RUSSELL WASHBURN</p> <p>2 MR. HOWARD: Can we have CCBVA196534, 3 Jackie, please.</p> <p>4 (Exhibit 5 marked for identification.)</p> <p>5 Q (By Mr. Howard) This has been marked as 6 Exhibit 5. It's a series of emails from May of 2015, 7 including a Mr. Jason Ellis.</p> <p>8 Before I scroll down, get into the content of 9 emails, do you know Mr. Ellis?</p> <p>10 A Yes. Jason Ellis is a managing director and 11 at that time would have been the managing director 12 overseeing the warden at Stewart Detention Center.</p> <p>13 Q So he would have been the person at FSC to 14 whom the warden of Stewart Detention Center would have 15 reported?</p> <p>16 A Yes, sir. At that time, yes.</p> <p>17 Q And this involves detainee work details. And 18 I apologize again because you don't have a physical 19 copy, but I'm going to ask my colleague to scroll to 20 the bottom and then work her way back so you can kind 21 of see the chain of emails. It's not that long.</p> <p>22 A Okay.</p> <p>23 Q But it starts with a May 15, 2015 email from 24 Troy Carey to Harrell Gray regarding detainee work 25 details. And as you go through it, one of the first</p>

Page 86		Page 87		
1	RUSSELL WASHBURN			
2	questions I'm going to ask you is if you've seen this	1	RUSSELL WASHBURN	
3	document before as part of your deposition preparation	2	types of issues inside of facilities because	
4	or at any other time.	3	there could be other underlying factors that	
5	A I can't recall if this -- again, I reviewed	4	could have operational impacts to the	
6	so many documents -- I can't recall if this one was in	5	facility.	
7	that email thread or not.	6	Q (By Mr. Howard) When you say these "kinds of	
8	Q All right. When you've read this page, if	7	issues," are you referring there to including detainees	
9	you could let us know and then we'll scroll down.	8	refusing to work in the work program?	
10	A Okay, I'm good to scroll.	9	MR. LEE: Object to form. Misstates the	
11	Okay.	10	document.	
12	Okay.	11	THE WITNESS: It could be. And the	
13	Q Now that you've seen the content of the	12	reality of it is, again, what's the cause of	
14	entire thing, is this something that is familiar to	13	that, I mean, is there a bigger issue?	
15	you?	14	Q (By Mr. Howard) So it would be a concern to	
16	A I believe I have reviewed this document.	15	CoreCivic, if there was an underlying issue, to be able	
17	Q Okay. And do you gain an understanding as	16	17	to address it so that workers would show up to work,
18	to, first and foremost, why Mr. Ellis, as a managing	18	right?	
19	director at FSC, was getting involved in issues	19	MR. LEE: Object to form.	
20	relating to detainees refusing to work?	20	THE WITNESS: To address it to resolve	
21	MR. LEE: Object to foundation.	21	whatever concern or issue there may be. Work	
22	THE WITNESS: Again, I can't speculate	22	stoppage may not necessarily be a concern or	
23	as to why this specific communication	23	issue with being a part of the voluntary work	
24	occurred, but it's not non-routine for the	24	program. It could be an issue because	
25	managing director to be made aware of those	25	they're dissatisfied with something else, and	
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1	RUSSELL WASHBURN	1	RUSSELL WASHBURN	
2	is that's causing them to not want to	2	means of mentoring, coaching, directing, those types of	
3	participate in the voluntary work program.	3	things, but the actual application of whatever decision	
4	Q (By Mr. Howard) It could also be they just	4	is made to apply would be at the leadership level at	
5	didn't want to go to work?	5	the facility.	
6	MR. LEE: Foundation.	6	Q And when you refer to the leadership team or	
7	THE WITNESS: Again, it could be; but,	7	the leadership level, what is that comprised of at	
8	again, I think we're just speculating what	8	Stewart?	
9	the driving force was in this particular	9	A Warden, assistant wardens, and chiefs, and	
10	situation.	10	then to be specific, chief of security, chief of unit	
11	Q (By Mr. Howard) But you're saying, then, it	11	management, assistant warden of operations, and	
12	was -- you say not non-routine. Another way of saying	12	assistant warden of programs.	
13	that is it was routine for someone at CoreCivic FSC to	13	Q Excellent. Thank you.	
14	get involved with issues like this that affect the	14	Now, when Mr. Ellis says, "Can you find out	
15	operations of Stewart?	15	why they did not go to work, what we are doing to hold	
16	MR. LEE: Object to form.	16	them accountable, and if any other detainees from this	
17	THE WITNESS: Again, to keep the	17	unit are scheduled to work in food service and other	
18	managing director aware of the day-to-day	18	areas of the facility later today," do you have an	
19	operations, that is routine.	19	understanding of why Mr. Ellis would be asking whether	
20	Q (By Mr. Howard) And what authority, if any,	20	these detainees who did not go to work would be held	
21	did the managing director at FSC have for addressing or	21	accountable?	
22	resolving issues like this?	22	MR. LEE: Foundation.	
23	A They would address it through the leadership	23	THE WITNESS: Again, you know,	
24	team here at the facility. They personally would not	24	accountable is pretty open-ended and what his	
25	have addressed the issue. But, again, there would be a	25	intent was there. Obviously, we'd have to	

<p>1 RUSSELL WASHBURN</p> <p>2 ask him that specific as to what his meaning</p> <p>3 was behind that particular word, but it could</p> <p>4 be as simple as removal from the work</p> <p>5 program, which the standard allows.</p> <p>6 Q (By Mr. Howard) But you don't know what he's</p> <p>7 meaning and you, in reviewing these documents, did not</p> <p>8 speak to Mr. Ellis about what he meant here; is that</p> <p>9 right?</p> <p>10 MR. LEE: Object to form.</p> <p>11 THE WITNESS: I did not speak to</p> <p>12 Mr. Ellis concerning this, no.</p> <p>13 Q (By Mr. Howard) Now, with respect to</p> <p>14 Mr. Ellis's general supervision that you described</p> <p>15 earlier on issues like this and being kept informed and</p> <p>16 then his coaching, et cetera, did any of that involve</p> <p>17 any kind of official regularly scheduled meetings with</p> <p>18 anyone in leadership at Stewart?</p> <p>19 A Are you asking as a routine set communication</p> <p>20 period? Is that --</p> <p>21 Q I'm just now kind of shifting and pivoting to</p> <p>22 asking about the structure and the reporting policies</p> <p>23 and practices between the leadership team at Stewart</p> <p>24 and the managing director at FSC.</p> <p>25 A Okay.</p>	<p>1 RUSSELL WASHBURN</p> <p>2 MR. LEE: Object to form. Exceeds the</p> <p>3 scope.</p> <p>4 THE WITNESS: I'm good to answer?</p> <p>5 MR. HOWARD: You are.</p> <p>6 THE WITNESS: So there is -- one,</p> <p>7 there's no set standard. I mean, there's</p> <p>8 going to be days that you may talk to the</p> <p>9 managing director multiple times in a single</p> <p>10 day. There may be days that you don't talk</p> <p>11 to the managing director at all and you have</p> <p>12 communications via emails.</p> <p>13 More often than not, the managing</p> <p>14 directors have designated either weekly or</p> <p>15 biweekly calls with each of the wardens in</p> <p>16 their particular division that occurs.</p> <p>17 The managing director visits the</p> <p>18 facilities. Again, there's no prescribed</p> <p>19 schedule that they are given that says that</p> <p>20 you must go X amount of times in a month or a</p> <p>21 quarter or anything of that nature that I'm</p> <p>22 aware of. They're always available 24 hours</p> <p>23 a day, seven days a week in the event that we</p> <p>24 need to report something or seek any level of</p> <p>25 assistance.</p>
<p>1 RUSSELL WASHBURN</p> <p>2 Q (By Mr. Howard) And is there a set agenda</p> <p>3 for these weekly or biweekly calls, or is it really the</p> <p>4 issues of the day?</p> <p>5 A No, there's prescribed agendas that typically</p> <p>6 you report out on, and a lot of times it's general</p> <p>7 information. Example, in-service percentages, where</p> <p>8 your facility stands as far as completing annual</p> <p>9 training, any significant incidents that you may have</p> <p>10 had since the prior calls, any lessons learned from</p> <p>11 those types of incidents, population counts, and those</p> <p>12 types of information.</p> <p>13 Q Are written records kept of these calls?</p> <p>14 A I believe so, yes.</p> <p>15 Q Who keeps those?</p> <p>16 A I believe the administrative support staff</p> <p>17 member for the managing directors. In this case, for</p> <p>18 this facility is Linda Dixon, I believe, out of the</p> <p>19 Facility Support Center.</p> <p>20 Q And does Ms. Dixon attend the calls and take</p> <p>21 notes, or is she keeping a record based on notes kept</p> <p>22 by the current managing director?</p> <p>23 A I believe each prospective facility sends in</p> <p>24 their information to Ms. Dixon, and she compiles all of</p> <p>25 the reports together.</p>	<p>1 RUSSELL WASHBURN</p> <p>2 Q So you send a written report in addition to</p> <p>3 reporting it orally on the call?</p> <p>4 A That's correct.</p> <p>5 Q And is that done weekly or biweekly?</p> <p>6 A Managing directors -- in my case today, it's</p> <p>7 biweekly. And since I've been here, it's been</p> <p>8 biweekly. But the managing directors will establish</p> <p>9 those either to be weekly or biweekly based on their</p> <p>10 individual expectations.</p> <p>11 Q And do you know if your predecessor sent in</p> <p>12 weekly or biweekly written reports to their managing</p> <p>13 director?</p> <p>14 MR. LEE: Object to form. Exceeds the</p> <p>15 scope.</p> <p>16 THE WITNESS: I would believe so. I</p> <p>17 mean, as far back as I can remember, all the</p> <p>18 facilities I've been to, it's been a common</p> <p>19 practice between managing directors and</p> <p>20 divisions, so I think it's safe to say yes.</p> <p>21 Q (By Mr. Howard) Do you know -- and is that</p> <p>22 sent to the managing director and then the</p> <p>23 administrative support person, in this case</p> <p>24 Linda Dixon, handles that -- or would it go directly to</p> <p>25 Linda Dixon as the custodian of those reports?</p>

<p style="text-align: right;">Page 94</p> <p>1 RUSSELL WASHBURN</p> <p>2 MR. LEE: Object to form. Beyond the</p> <p>3 scope.</p> <p>4 THE WITNESS: Again, the process would</p> <p>5 be we would send it to her and then cc it to</p> <p>6 the appropriate managing director.</p> <p>7 Q (By Mr. Howard) And do you know how long</p> <p>8 Linda Dixon has been in the role of administrative</p> <p>9 support to the managing director overseeing Stewart?</p> <p>10 A I do not, not without asking her.</p> <p>11 MR. LEE: Exceeds the scope.</p> <p>12 THE WITNESS: Sorry.</p> <p>13 Q (By Mr. Howard) Do you know any of her</p> <p>14 predecessors?</p> <p>15 MR. LEE: Same objection.</p> <p>16 THE WITNESS: Again, I know the</p> <p>17 individuals in the roles, but whether or not</p> <p>18 they were providing that support service for</p> <p>19 Stewart specifically, I don't.</p> <p>20 Q (By Mr. Howard) And you mentioned also</p> <p>21 that -- the visits to the facility by the managing</p> <p>22 directors. And Mr. Keeton is currently the managing</p> <p>23 director with authority at FSC for Stewart, correct?</p> <p>24 A As of today, yes, sir.</p> <p>25 Q Has he been in that role since you became the</p>	<p style="text-align: right;">Page 95</p> <p>1 RUSSELL WASHBURN</p> <p>2 warden at Stewart?</p> <p>3 A No. Mr. Keeton assumed -- let me look at a</p> <p>4 calendar. I believe it was in August that Jason Ellis</p> <p>5 and him switched. But, again, I'd have to go back and</p> <p>6 look, but I believe August is the right time frame</p> <p>7 where they transitioned from Jason Ellis as the</p> <p>8 managing director to Charles Keeton.</p> <p>9 Q Is that August 2020?</p> <p>10 A No, August of this year, 2021. I'm sorry.</p> <p>11 Q So between April 2020, when you became</p> <p>12 warden, and August 2020 [sic], when Mr. Ellis</p> <p>13 transitioned out of the role of managing director over</p> <p>14 Stewart, how many times did Mr. Ellis visit Stewart?</p> <p>15 A And I think you said August 2020.</p> <p>16 Q I meant August 2021. Thank you.</p> <p>17 A Okay. I want to make sure I'm accurate. I'd</p> <p>18 say four or five. I don't know specific.</p> <p>19 Q And during those times, would he meet with</p> <p>20 you and the leadership team?</p> <p>21 A Yes.</p> <p>22 Q Were there written records kept of those</p> <p>23 meetings?</p> <p>24 A No.</p> <p>25 Q Were there specific agendas, or was this kind</p>
<p style="text-align: right;">Page 96</p> <p>1 RUSSELL WASHBURN</p> <p>2 of a -- again, an ad hoc, whatever --</p> <p>3 A No specific agendas. On some of those</p> <p>4 visits, he was here in conjunction with, like, the ODO</p> <p>5 audit that may have been on site. He would be here as</p> <p>6 a support mechanism for that, if necessary, but no</p> <p>7 established agenda for any one of those. It would just</p> <p>8 be an inspection of the facility and meet with the</p> <p>9 leadership of the facility.</p> <p>10 Q Was -- were any of those visits something</p> <p>11 other than routine; that is, there was a specific event</p> <p>12 that prompted Mr. Ellis to visit when he had no prior</p> <p>13 plans to do so?</p> <p>14 MR. LEE: Object to form and foundation.</p> <p>15 Beyond the scope of the notice.</p> <p>16 THE WITNESS: Not that I can recall</p> <p>17 since I've been here, no.</p> <p>18 Q (By Mr. Howard) And since August 2021, has</p> <p>19 Mr. Keeton visited Stewart?</p> <p>20 A He has.</p> <p>21 Q How many times?</p> <p>22 A I believe twice. Him and Mr. Ellis visited</p> <p>23 together as part of that transitional process during</p> <p>24 that transitional time and one other time since then.</p> <p>25 Q And was the other time a routine visit, or</p>	<p style="text-align: right;">Page 97</p> <p>1 RUSSELL WASHBURN</p> <p>2 was it prompted by some event?</p> <p>3 A There was no --</p> <p>4 MR. LEE: Foundation, beyond the scope.</p> <p>5 THE WITNESS: No event. We had a</p> <p>6 scheduled inspection that he wanted to be a</p> <p>7 part of.</p> <p>8 Q (By Mr. Howard) An inspection by which</p> <p>9 authority?</p> <p>10 A I think -- again, I'd have to go back and</p> <p>11 look to make certain. I believe it was a CRCL group,</p> <p>12 civil rights/civil liberties group, that came.</p> <p>13 Q Other than the managing director, Mr. Keeton,</p> <p>14 and Mr. Ellis before him, do you, as the warden at</p> <p>15 Stewart, report to anyone else senior to you at</p> <p>16 CoreCivic?</p> <p>17 A Not directly. He is my immediate supervisor.</p> <p>18 Q Do you have any kind of dotted-line reporting</p> <p>19 relationship with anyone else?</p> <p>20 A No. I mean, there's others within the</p> <p>21 Facility Support Center that obviously outrank me and</p> <p>22 are above my rank, you know, various vice presidents,</p> <p>23 other managing directors for various other departments,</p> <p>24 but the actual reporting structure would be the warden,</p> <p>25 managing director, vice president of operations.</p>

<p>1 RUSSELL WASHBURN</p> <p>2 Q Are there any other members of your senior</p> <p>3 team or anyone else at Stewart who reports directly to</p> <p>4 someone in a supervising capacity at FSC, or do they</p> <p>5 all report up through you?</p> <p>6 A They would all report through me. Some of</p> <p>7 the -- like, human resources manager, business manager,</p> <p>8 they have some dotted lines to the SMEs and the</p> <p>9 regional individuals for the business office or for the</p> <p>10 human resource department, but those would be dotted</p> <p>11 lines. The direct report would be to -- from me. So I</p> <p>12 handle their -- you know, their performance</p> <p>13 evaluations, their requests for leave, things of that</p> <p>14 nature.</p> <p>15 Q Is there -- what is the structure for -- in</p> <p>16 terms of setting or changing existing policies,</p> <p>17 CoreCivic policies, as they relate to Stewart? Like,</p> <p>18 you alluded to a couple of policies before, 18 policy,</p> <p>19 the 19-100 [sic]. These have been set and they're in</p> <p>20 place, but they get modified from time to time; is that</p> <p>21 right?</p> <p>22 MR. LEE: Object to form. Beyond the</p> <p>23 scope.</p> <p>24 THE WITNESS: They do. And I just want</p> <p>25 to clarify, are you asking specifically for</p>	<p>Page 98</p> <p>1 RUSSELL WASHBURN</p> <p>2 Stewart or as CoreCivic as a whole?</p> <p>3 MR. HOWARD: For Stewart.</p> <p>4 THE WITNESS: Okay, for Stewart --</p> <p>5 MR. LEE: Same objections.</p> <p>6 THE WITNESS: Sorry.</p> <p>7 It's pretty consistent even outside --</p> <p>8 the process is that we would do an internal</p> <p>9 evaluation with the appropriate staff that</p> <p>10 would be affected by that policy here at the</p> <p>11 facility, recommend any changes through our</p> <p>12 quality assurance manager.</p> <p>13 Then it would in turn go to the Facility</p> <p>14 Support Center so that it can be vetted and</p> <p>15 evaluated for approval. Once approved, from</p> <p>16 there, the customer would get that -- an</p> <p>17 opportunity to review to advise of any</p> <p>18 concerns or any issues or objection to the</p> <p>19 change.</p> <p>20 And if there is none, then we would then</p> <p>21 communicate the change to staff and determine</p> <p>22 an appropriate effective date for it to be</p> <p>23 applied at the facility.</p> <p>24 Q (By Mr. Howard) And then the implementation</p> <p>25 of the change and the monitoring that's put into</p>
<p>1 RUSSELL WASHBURN</p> <p>2 practice, is that done at the facility level?</p> <p>3 MR. LEE: Object to form, beyond the</p> <p>4 scope.</p> <p>5 THE WITNESS: It definitely would be at</p> <p>6 the facility level. In some cases, there may</p> <p>7 be some oversight through the subject-matter</p> <p>8 experts, depending on what that policy is</p> <p>9 that required change, but certainly at the</p> <p>10 facility level for the quality assurance</p> <p>11 department and the leadership team and the</p> <p>12 supervisory staff here at the facility.</p> <p>13 Q (By Mr. Howard) And when you say some other</p> <p>14 oversight of subject-matter experts, are those at FSC?</p> <p>15 A Yes.</p> <p>16 MR. LEE: Same objections.</p> <p>17 THE WITNESS: The individuals I used as</p> <p>18 a reference before, regional directors for</p> <p>19 the human resources department, the medical</p> <p>20 departments or, you know, the business</p> <p>21 office.</p> <p>22 Q (By Mr. Howard) For example, you mentioned</p> <p>23 before the policy relating to the work program. Is</p> <p>24 there a subject-matter expert on the work program at</p> <p>25 FSC?</p>	<p>Page 100</p> <p>1 RUSSELL WASHBURN</p> <p>2 MR. LEE: Object to form.</p> <p>3 THE WITNESS: Not that I'm aware of, no,</p> <p>4 not specifically.</p> <p>5 Q (By Mr. Howard) So is there any supervision,</p> <p>6 as you characterized it, at the FSC level about the</p> <p>7 implementation and execution of the work program at</p> <p>8 Stewart?</p> <p>9 A Sorry, you have the policies and then you</p> <p>10 have the audits that take place. You have ODO audit,</p> <p>11 the Nakamoto audit, the CRCL group that comes in, ACA.</p> <p>12 I mean, there's just a variety of different mechanisms</p> <p>13 for measuring for full compliance to standards,</p> <p>14 policies, contract, all the above.</p> <p>15 Q I'm assuming the audit process -- and I think</p> <p>16 Ms. Sandley is going to get into that some with you,</p> <p>17 but I'm asking at the FSC level -- you mentioned there</p> <p>18 are no subject-matter experts per se. -- is there</p> <p>19 anyone who's got a responsibility of monitoring the</p> <p>20 execution of that program?</p> <p>21 MR. LEE: Object.</p> <p>22 THE WITNESS: CoreCivic has its own --</p> <p>23 I'm sorry.</p> <p>24 CoreCivic has its own also internal</p> <p>25 audit process where they come and they</p>

<p>1 RUSSELL WASHBURN</p> <p>2 actually do audits to ensure that our</p> <p>3 operation is in line with policies and post</p> <p>4 orders, contract, and various other</p> <p>5 standards.</p> <p>6 Q (By Mr. Howard) And these are people who</p> <p>7 come from FSC?</p> <p>8 A Yes, sir.</p> <p>9 Q And kind of what's their subject-matter</p> <p>10 expertise, if you will?</p> <p>11 A Two teams that are comprised -- we have a</p> <p>12 team lead, you have subject-matter experts that are in</p> <p>13 the area of programs, food service, security, safety,</p> <p>14 medical. They typically are five-member teams that</p> <p>15 come. And they're unannounced, so they just show up</p> <p>16 and perform that review. And it's at least annually,</p> <p>17 sometimes more than if there's a need to do that more</p> <p>18 than once. But a minimum of once a year, they're going</p> <p>19 to show up unannounced and perform those reviews.</p> <p>20 Q And do they perform -- do they provide you,</p> <p>21 as warden, with a written report of their findings?</p> <p>22 A They do.</p> <p>23 Q And so once a year, so how many times has</p> <p>24 that happened since you've been there in April of 2020?</p> <p>25 A Once in 2020 and then we've had ours in 2021</p>	<p>Page 102</p> <p>1 RUSSELL WASHBURN</p> <p>2 already this year.</p> <p>3 Q So you've had two since you've been there?</p> <p>4 A Yes, sir, for the CoreCivic audit. Now, I've</p> <p>5 had -- I can go back and look, but I've had a large</p> <p>6 number of Nakamoto, ODO, OIDO. I'm learning all these</p> <p>7 acronyms that -- I'm trying to keep up with them.</p> <p>8 We've had a large number of audits from those outside</p> <p>9 parties since I've arrived.</p> <p>10 Q And they all provide you with written</p> <p>11 reports, correct?</p> <p>12 A Yes, sir, they do.</p> <p>13 Q And when there are recommendations in those</p> <p>14 reports, is it the responsibility of you and your</p> <p>15 senior team or anyone at FSC with respect to</p> <p>16 implementing those recommendations?</p> <p>17 A Well, we'll evaluate the recommendations</p> <p>18 first and foremost, and then we have to create -- for</p> <p>19 any finding, we have to create what's known as a CAP,</p> <p>20 which is a corrective action plan. That correction</p> <p>21 action plan would then be developed. It's kind of the</p> <p>22 similar/same process as to the policy.</p> <p>23 Once that has been drafted, we send that to</p> <p>24 the policy and procedure department at our Facility</p> <p>25 Support Center. They vet it and verify that it meets</p>
<p>Page 104</p> <p>1 RUSSELL WASHBURN</p> <p>2 all elements of the policy, that it satisfies resolving</p> <p>3 whatever that concern is that was cited, and then --</p> <p>4 we'll ultimately then provide it to -- if it's a</p> <p>5 partner-based audit, such as ODO, Nakamoto, we have to</p> <p>6 then provide that to ICE for their review prior to it</p> <p>7 being submitted back to the appropriate auditing</p> <p>8 authority.</p> <p>9 Q Okay. I want to switch gears now to the</p> <p>10 budgeting process. And you referred earlier to being</p> <p>11 familiar with kind of the budget that's in place for</p> <p>12 Stewart under your direction as warden. Is that budget</p> <p>13 set initially at the corporate level at FSC?</p> <p>14 A It is. I mean, it's a -- I think it's a</p> <p>15 starting point that's established that goes out. It's</p> <p>16 typically -- the budgeting process, kind of the</p> <p>17 evaluation of the upcoming budget, typically starts</p> <p>18 around July/August period of time.</p> <p>19 And more often than not, those budgets are</p> <p>20 really kind of built history-based. There's an</p> <p>21 assessment to look at what was the utilization from</p> <p>22 this period of time to this period of time, and that's</p> <p>23 where the budget really starts at.</p> <p>24 Now, if there are things that we need to be</p> <p>25 discussing or anomalies that maybe were not in</p>	<p>Page 105</p> <p>1 RUSSELL WASHBURN</p> <p>2 existence during that period of time that was looked at</p> <p>3 and forecasted -- I'll give an example. Let's say we</p> <p>4 received a notification from the electric company that</p> <p>5 they're anticipating a certain increase in rates.</p> <p>6 Well, that wouldn't have been captured in history, but</p> <p>7 we could communicate that the electric company says</p> <p>8 there's going to be a 10 percent increase, so we know</p> <p>9 we've got to increase the dollar amount to meet</p> <p>10 whatever that increase may look like in the future.</p> <p>11 Q And the budgets, you know, have separate line</p> <p>12 items for, first of all, revenues, correct?</p> <p>13 A Yes, sir, they do.</p> <p>14 Q And the largest portion of the revenues that</p> <p>15 are in the budget for Stewart are those per diem rates</p> <p>16 and then the additional medical per diem rates pursuant</p> <p>17 to the ICE contracts and the modifications, correct?</p> <p>18 A That is correct.</p> <p>19 Q What other sources of revenue are there that</p> <p>20 go into the budget?</p> <p>21 MR. LEE: Object to form.</p> <p>22 THE WITNESS: You have the -- for</p> <p>23 accounting purposes and tracking purposes,</p> <p>24 you have the commissary budget that's in</p> <p>25 there. But, again, all of the commissary</p>

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1	RUSSELL WASHBURN		
2	funds, for lack of a better term, is kind of	1	RUSSELL WASHBURN
3	a nonprofit portion because CoreCivic doesn't	2	Q And do you know approximately how much money
4	see any value or return on that commissary	3	in profits, that is, money taken into the commissary
5	side. That's -- a hundred percent goes back	4	above what you have to pay for the goods sold in the
6	to the detainee population for purchasing of	5	commissary, are on an annual basis?
7	goods like recreational equipment and	6	MR. LEE: Object to form.
8	televisions and various other things for	7	THE WITNESS: I don't.
9	them. So it has to be for the sole benefit	8	Q (By Mr. Howard) So aside from the commissary
10	of the detainee population. So although you	9	which you mentioned and Ms. Sandley will cover, are
11	see that in the budget, it's a zero netted	10	there other sources of revenue beyond what ICE is
12	for -- CoreCivic can't profit and doesn't	11	paying for the day rates? Plus I think there's, you
13	profit from those commissary revenues that	12	know, ICE payments for transportation and things like
14	are put into the budget or you see in the	13	that.
15	budget.	14	A Outside of those, no, I don't -- for this
16	Q (By Mr. Howard) All right, Ms. Sandley is	15	facility, no, I don't think there is. No.
17	going to cover the commissary issues, but is there a	16	Q Okay. And then there are also some line
18	separate account maintained for money that comes --	17	items for costs, correct?
19	that's paid for commissary items?	18	A That's correct.
20	A Yes.	19	Q And we talked about labor costs, and that's
21	Q And then, as you said, that money gets	20	the largest cost item in the budget for Stewart?
22	expended in some way. Do you know what the current	21	A Correct. Staffing and salaries, yes.
23	balance is of that account?	22	Q And then you've got -- you've got basically a
24	A I can get it. I don't know what it is off	23	process in the budget where you determine what your net
25	the top of my head, though.	24	revenues are, your revenues less your costs, right?
		25	A That's correct.
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1	RUSSELL WASHBURN		
2	Q And those will increase if you can reduce	1	RUSSELL WASHBURN
3	costs or increase revenues, simple accounting?	2	Q So there would be focus to improve your net
4	A Yeah, I think it's simple business. Yes.	3	earnings on cost items, correct?
5	Q Okay. And as part of the budgeting process,	4	MR. LEE: Object to form. Beyond the
6	does CoreCivic look to identify areas where it can, you	5	scope.
7	know, improve its bottom line, that is, make more	6	THE WITNESS: Again, I think I -- I
8	money?	7	mean, kind of the same --
9	MR. LEE: Object to form. Beyond the	8	MR. HOWARD: Same answer, right?
10	scope.	9	THE WITNESS: Yeah, I think -- yeah.
11	THE WITNESS: The answer, I mean, for us	10	Q (By Mr. Howard) If you can reduce your costs
12	to -- as a business practice, do we look for	11	while maintaining the security and safety and the
13	opportunities to be able to provide the same	12	conditions of the facility, you'll do that because it
14	level of service without compromising safety	13	will mean more money for CoreCivic?
15	and security and still yield a savings, the	14	MR. LEE: Object to form, asked and
16	answer to that question would be yes, but it	15	answered, beyond the scope.
17	would not be at the compromise of the safety	16	Q (By Mr. Howard) You can answer again. I'm
18	and security of the facility.	17	sorry.
19	MR. HOWARD: Absolutely.	18	A I'm sorry. Same answer. Sorry.
20	Q (By Mr. Howard) And the -- certainly the	19	Q Okay. Now, when you get the budget from FSC,
21	revenue, at least in this time when you're perpetually	20	who at CoreCivic, at Stewart, examines the line items
22	below the 1600 minimum, is pretty much tapped, there	21	to determine "this is too high, this is too low, or
23	aren't going to be ways for you to really increase your	22	maybe we can save money here," does that kind of line
24	revenue, correct?	23	item inspection, if anyone?
25	A Yeah, no, not to increase it, that's correct.	24	A We do. It would be, of course, the business
		25	manager here at the facility, the assistant warden,

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1	RUSSELL WASHBURN	1	RUSSELL WASHBURN
2	chief of securities, myself. The health service	2	how those bonuses are determined, whether they will be
3	administrator typically would look at it specifically	3	paid and the amount of the bonuses?
4	for the medical component of. You know, some of the	4	MR. LEE: Same objection.
5	area leaders, their specific line items, if it's	5	THE WITNESS: Yeah, they're designed
6	applicable to them, would have an opportunity to look	6	with performance goals. Each facilities'
7	at it as well, offer any type of anomalies that they	7	goals typically are different based on
8	may be looking at or potentially forecasting that would	8	facility needs or challenges, but that's a
9	have not been captured in the previous history that was	9	component of. It's percentage-based, you
10	reviewed when establishing the budget.	10	know, for making all the goals or only making
11	Q Now, we were talking about the budget and	11	one of the goals, and it's based on the
12	ways to improve the net earnings. Another term of	12	outcome of those particular goals.
13	accounting art is EBITDA. Are you familiar with that	13	Q (By Mr. Howard) And do you know whether the
14	term?	14	goals for Stewart Detention Center for the payment of
15	A Earnings before interest, taxes, and	15	bonuses to exempt employees at Stewart have been
16	depreciation, correct?	16	financial in nature, that is, the financial performance
17	Q Yeah. And that basically is your revenues	17	of the Stewart Detention Center?
18	less your costs.	18	MR. LEE: Beyond the scope.
19	Is it correct that the exempt salaried	19	THE WITNESS: I think I understand the
20	employees of CoreCivic at Stewart receive annual	20	question. You're asking were they given a
21	bonuses as part of their compensation?	21	bonus and a financial -- is that --
22	MR. LEE: Object to form. Beyond the	22	MR. HOWARD: No, my question is -- FSC
23	scope.	23	determines the bonuses that they're going to
24	THE WITNESS: Yes, we are eligible.	24	pay to employees at the centers like Stewart,
25	Q (By Mr. Howard) And are you familiar with	25	correct?
Page 112		Page 113	
1	RUSSELL WASHBURN	1	RUSSELL WASHBURN
2	THE WITNESS: Yes, it's based on the	2	So you may only make -- you may not make
3	formula and a program that's established	3	any of the three goals, and so -- but if
4	company-wide, yes.	4	you're financially performing well, there
5	Q (By Mr. Howard) And are you familiar with	5	could be a percentage that's applied under
6	bonus programs that have been applied to Stewart which	6	what's called a discretionary pay at that
7	pay bonuses based on levels of EBITDA, levels of the	7	point, but the primary goals are not -- more
8	earnings of the facility?	8	often than not are not connected to the
9	MR. LEE: Object to form. Beyond the	9	financial result of the facility. It's more
10	scope.	10	about operational performance.
11	THE WITNESS: I will tell you, and I	11	MR. HOWARD: Okay. Can we just call up
12	speak specifically for Stewart, all of the	12	one more document, and then I'm going to turn
13	goals weren't necessarily attached to the	13	it over to Ms. Sandley. This is CCBVA258426,
14	actual financial outcome.	14	a February 29th, 2016 email regarding the
15	I'll give an example. One was the -- to	15	2016 facility bonus plan.
16	meet a percentage of turnover rate is to have	16	(Exhibit 6 marked for identification.)
17	less than this in a turnover rate. Another	17	Q (By Mr. Howard) While she's pulling that up,
18	one was to have 10 percent or less of the	18	did you review any of the bonus plan documents in
19	findings from any audit, partner audit or	19	preparation for the deposition today?
20	internal audit, from the previous year.	20	A I don't recall -- I don't think any of those
21	So they're more performance-based than	21	were a part of, but -- I don't believe so.
22	they are, really, financial. Now, not to say	22	Q And, as I said, this is from February of 2016
23	that there's not a component in the financial	23	and it talks about a 2016 facility bonus plan with
24	that takes -- is taken into consideration,	24	bonus grades 1 through 4. I don't know if you can see
25	because there is.	25	that under the paragraph labeled No. 1.

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1	RUSSELL WASHBURN	
2	A I can.	
3	Q Okay. And then -- by the way, when bonus	
4	plans are established by FSC, the employees who are	
5	eligible at Stewart are aware of the plan, are they	
6	not?	
7	A Yes, they are.	
8	Q So they know what they have to do in order to	
9	achieve a bonus? It doesn't come as a surprise at the	
10	end?	
11	A That is correct.	
12	Q So at the beginning of the year, they say,	
13	"Look, if we do XYZ, we're in line for a bonus," so	
14	they're incentivized to do whatever it is the XYZ lays	
15	out as the goals for the bonus, correct?	
16	A That's correct.	
17	Q And let's take a look at the attachment to	
18	this bonus plan for 2016 facilities.	
19	(Interruption in the proceedings.)	
20	MR. HOWARD: Hold on one second. Take a	
21	look at that, and then I'll ask some	
22	questions.	
23	Q (By Mr. Howard) So this facility bonus plan,	
24	grades 1 through 4, has grade levels that are based	
25	entirely on facility EBITDA and operating expenses as	
Page 116		Page 117
1	RUSSELL WASHBURN	
2	"Facility EBITDA will be calculated on a sliding scale	
3	to reward facilities for attaining higher levels of	
4	EBITDA."	
5	So these bonuses are rewards to management of	
6	Stewart if you are able to achieve higher levels of	
7	earnings, correct?	
8	A Yes. Based on this plan, yes.	
9	Q And this plan was in effect at 2016. Do you	
10	know how many years the bonus plans for the facilities,	
11	including Stewart, included EBITDA as a performance	
12	goal?	
13	MR. LEE: Object to form.	
14	THE WITNESS: I would say for sure the	
15	period of this case. As far back as I can	
16	remember, that's been a part.	
17	Now, this specific plan, I'm sure it's	
18	modified over the course of time, but there	
19	has been a plan for bonuses for a period	
20	of -- at least for the period of this case.	
21	Q (By Mr. Howard) And a plan that included	
22	as -- a reward for facilities for attaining higher	
23	levels of EBITDA, correct?	
24	A Yes.	
25	Q And, similarly, the plan rewards facilities	
1	RUSSELL WASHBURN	
2	well as a customized facility operational metric. Do	
3	you see that?	
4	A Yes.	
5	Q So facility EBITDA, that's the earnings, you	
6	know, revenue less expenses we were talking about	
7	before, correct?	
8	A That's correct.	
9	Q And the higher that EBITDA, the higher the	
10	grade for the bonus, correct?	
11	A To that [redacted] percent.	
12	Q Yes.	
13	A Yes.	
14	Q And then operating expenses is a separate	
15	criteria. And I think if you scroll down, you see that	
16	reducing operating expenses also contributes to a	
17	higher bonus level, correct?	
18	A That's correct.	
19	Q And these are financial performance metrics	
20	that, if achieved, allow exempt employees, the 32	
21	exempt employees, I believe you said, at Stewart to	
22	make more compensation?	
23	A Correct. That is a component of the plan,	
24	yes.	
25	Q And, for example, "Facility EBITDA," it says,	
1	RUSSELL WASHBURN	
2	for attaining lower levels of expenditures, correct,	
3	looking at No. 2?	
4	A Yes. For the operating expenses, yes.	
5	Q And the largest operating expense is labor,	
6	correct?	
7	A That is correct.	
8	Q All right.	
9	MR. HOWARD: I have no more questions,	
10	Mr. Washburn. I'm going to turn you now over	
11	to Ms. Sandley, but I do want to thank you	
12	for your patience with me, especially when I	
13	had some awkward questions, and you're a	
14	veteran of this process. I hope I didn't	
15	waste your time.	
16	THE WITNESS: Not at all.	
17	MR. HOWARD: Thank you.	
18	THE WITNESS: Thank you.	
19	MS. SANDLEY: Hi, Warden Washburn. I'm	
20	CJ Sandley. I believe we met during the site	
21	inspection in this case. It's good to see	
22	you again.	
23	THE WITNESS: I thought you looked	
24	familiar, so -- thank you.	
25	MS. SANDLEY: Well, you're stuck with me	

<p>1 RUSSELL WASHBURN</p> <p>2 for the rest of this deposition, so thanks</p> <p>3 for being flexible with us.</p> <p>4 EXAMINATION</p> <p>5 BY MS. SANDLEY:</p> <p>6 Q I want to start -- I know you talked a little</p> <p>7 bit about staffing plans with Mr. Howard, and I want to</p> <p>8 go back to that. You testified earlier that there are</p> <p>9 two separate staffing plans for Stewart; is that right?</p> <p>10 A That's correct.</p> <p>11 Q There's one based on a population of 1600?</p> <p>12 A Yes.</p> <p>13 Q And one based on a population of 1752?</p> <p>14 A Yes, ma'am.</p> <p>15 Q Are those staffing plans written?</p> <p>16 A They are.</p> <p>17 Q Do you have copies of them?</p> <p>18 A I do.</p> <p>19 Q Did you review them before this deposition</p> <p>20 today?</p> <p>21 A Yes, because that's the staffing pattern that</p> <p>22 we're operating off and we have been operating off</p> <p>23 since my arrival.</p> <p>24 Q Okay. And is CoreCivic required under the</p> <p>25 IGSA to comply with the staffing pattern?</p>	<p>1 RUSSELL WASHBURN</p> <p>2 A Yes.</p> <p>3 Q Is it required to comply with the 1600 or the</p> <p>4 1752?</p> <p>5 A The 1600. And for explanation so you can</p> <p>6 kind of understand the difference between the two, 1600</p> <p>7 is the contracted staffing pattern. The 1752 is the</p> <p>8 budgeted staffing pattern, and that's what we hire to.</p> <p>9 The accountability from the customer, in this case ICE,</p> <p>10 it can be applied for the 1600-bed staffing pattern;</p> <p>11 but, again, we hire to the 1752, which is my budgeted</p> <p>12 staffing pattern. Hopefully that's helpful.</p> <p>13 Q Yeah, it is.</p> <p>14 Has CoreCivic always been required under the</p> <p>15 IGSA to comply with the staffing pattern?</p> <p>16 A As far as my knowledge, yes, but I'd have to</p> <p>17 go back and obviously review each record between 2008</p> <p>18 to today, but I believe so, yes.</p> <p>19 Q Okay. Is there a certain percentage of the</p> <p>20 required positions that CoreCivic is required to have</p> <p>21 filled in order to be in compliance with the contract?</p> <p>22 A All of them. That's based on the contract</p> <p>23 staffing pattern.</p> <p>24 Q Okay. So it's your understanding that the</p> <p>25 compliance rate is 100 percent?</p>
<p>1 RUSSELL WASHBURN</p> <p>2 A That's correct, yes. That's the expectation</p> <p>3 of the partner, yes.</p> <p>4 Q Okay. Has CoreCivic ever been penalized for</p> <p>5 failing to comply with the staffing pattern under the</p> <p>6 contract?</p> <p>7 A Here specifically at Stewart?</p> <p>8 Q Yes.</p> <p>9 A Certainly not since my arrival. I'd have to</p> <p>10 go back and look at the records to speak prior to, so</p> <p>11 I'm just not -- I'd have to look at the records to</p> <p>12 answer the rest of that.</p> <p>13 Q Okay. And nothing that you saw in your</p> <p>14 preparation for this deposition today indicated that</p> <p>15 one way or the other?</p> <p>16 A I don't believe so, no, ma'am.</p> <p>17 Q Okay. Is there a contractual limit on how</p> <p>18 long a vacancy can go unfilled before CoreCivic gets</p> <p>19 penalized under the contract?</p> <p>20 A Not in this specific contract. Some of our</p> <p>21 others, but I don't believe there is anything</p> <p>22 specifically in this contract. It's the established</p> <p>23 minimum and here's the expectation.</p> <p>24 MS. SANDLEY: Okay. Let's look at</p> <p>25 Exhibit No. 7. The Bates number is ICE</p>	<p>1 RUSSELL WASHBURN</p> <p>2 Barrientos 0024518.</p> <p>3 (Exhibit 7 marked for identification.)</p> <p>4 Q (By Ms. Sandley) All right, and this is an</p> <p>5 email thread. Let's go to the first email in this</p> <p>6 thread that's on page 2.</p> <p>7 All right, so this is an email from Cornell</p> <p>8 House, who appears to be someone at ICE, to Natasha</p> <p>9 Metcalf. Who is Natasha Metcalf.</p> <p>10 A Natasha is a vice president with Facility</p> <p>11 Support Center.</p> <p>12 Q Okay. And is she someone who has or had</p> <p>13 responsibilities relating to Stewart?</p> <p>14 A Yes. With all of our contracts as a company.</p> <p>15 Q Okay. And Mr. House writes, "We will not be</p> <p>16 taking any further action against the attached CDR</p> <p>17 17-0001 at this time."</p> <p>18 CDR stands for contract deficiency report?</p> <p>19 A Yes, ma'am.</p> <p>20 Q Okay. And that's a notification from ICE to</p> <p>21 CoreCivic that CoreCivic is not complying with the</p> <p>22 IGSA, right?</p> <p>23 A That's correct.</p> <p>24 Q Did ICE issue a CDR relating to staffing at</p> <p>25 Stewart?</p>

<p style="text-align: right;">Page 122</p> <p>1 RUSSELL WASHBURN</p> <p>2 A You're talking about from this email or --</p> <p>3 Q To your knowledge.</p> <p>4 A I mean, based on what I'm reading here, it</p> <p>5 would imply that, as such, yes.</p> <p>6 Q Okay, but this is the first you're learning</p> <p>7 about that?</p> <p>8 A I mean, I know that CDRs have been generated</p> <p>9 in the past. What each of those CDRs were for, I'd</p> <p>10 have to go back and obviously look at those.</p> <p>11 Q Do you know what any of the CDRs generated in</p> <p>12 the past relating to Stewart have been about?</p> <p>13 MR. LEE: Object to form.</p> <p>14 THE WITNESS: Again, just a handful. I</p> <p>15 know that there was a CDR generated for, I</p> <p>16 believe, a suicide that may have occurred or</p> <p>17 a death that occurred here at the facility.</p> <p>18 The CDR, I believe, was connected to security</p> <p>19 watches or security rounds from that.</p> <p>20 Again, to list them all, I'd have to go</p> <p>21 back and review, but I know those for sure --</p> <p>22 or that one for sure.</p> <p>23 MS. SANDLEY: Okay.</p> <p>24 Q (By Ms. Sandley) All right, and looking back</p> <p>25 at this email, Mr. House writes, "As we've discussed,</p>	<p style="text-align: right;">Page 123</p> <p>1 RUSSELL WASHBURN</p> <p>2 we would like to incorporate a staffing plan into the</p> <p>3 contract. Attached is the cost statement/staffing plan</p> <p>4 you provided back in March."</p> <p>5 So does this email refresh your recollection</p> <p>6 or knowledge about whether there was a staffing plan in</p> <p>7 place under the contract at Stewart before 2017?</p> <p>8 A Based on this email, it would suggest that</p> <p>9 there was not. But, again, without reviewing the</p> <p>10 records to their entirety, I would read this as there</p> <p>11 may not have been one prior to that date.</p> <p>12 MS. SANDLEY: Okay, let's take a look at</p> <p>13 Exhibit 8. It's CCBVA4714.</p> <p>14 (Exhibit 8 marked for identification.)</p> <p>15 Q (By Ms. Sandley) Okay, and this is a letter</p> <p>16 that appears to be from ICE to the Stewart County Board</p> <p>17 of Commissioners. Do you see that?</p> <p>18 A Yes, ma'am.</p> <p>19 Q And it's from May 23rd, 2006?</p> <p>20 A Yes.</p> <p>21 Q Okay. And we're going to scroll down a</p> <p>22 little bit.</p> <p>23 All right, do you see where it says "Proposed</p> <p>24 Staffing Plan to include number and description of</p> <p>25 positions and staffing allocation by shift"?</p>
<p style="text-align: right;">Page 124</p> <p>1 RUSSELL WASHBURN</p> <p>2 A Yes.</p> <p>3 Q In preparing for this deposition today, did</p> <p>4 you review any staffing plans that were incorporated</p> <p>5 into the original IGSA for Stewart Detention Center?</p> <p>6 A I reviewed some staffing plans, several of</p> <p>7 them. It probably was back to that point, but I'd have</p> <p>8 to refer back to those to see the actual dates on them.</p> <p>9 There was a multitude of staffing plans that I looked</p> <p>10 at.</p> <p>11 Q Okay. And when you say "a multitude," about</p> <p>12 how many?</p> <p>13 A Seven or eight. Maybe a little more.</p> <p>14 Q Okay.</p> <p>15 MS. SANDLEY: We can take this exhibit</p> <p>16 down, Jackie. And let's pull back up Exhibit</p> <p>17 7.</p> <p>18 Q (By Ms. Sandley) All right, so this is --</p> <p>19 we're going back to the email where ICE had issued a</p> <p>20 CDR about staffing and asked -- and attached -- let's</p> <p>21 actually look at the email. It's on page 2. Mr. House</p> <p>22 attaches what he describes as the cost</p> <p>23 statement/staffing plan provided by CoreCivic in March</p> <p>24 2017. Do you see that?</p> <p>25 A I do.</p>	<p style="text-align: right;">Page 125</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q Okay. Let's look at page 5 of this document.</p> <p>3 All right, so according to Mr. House's email,</p> <p>4 this is the staffing plan proposed by CoreCivic for</p> <p>5 Stewart in 2017, and we're going to look at the "Type</p> <p>6 of Position" and "Number of Position" columns. Do you</p> <p>7 see those?</p> <p>8 A I do.</p> <p>9 Q Okay. Do you see the "Detention Officer"</p> <p>10 row?</p> <p>11 A I do, yes, ma'am.</p> <p>12 Q Okay. So in March 2017, CoreCivic, according</p> <p>13 to this document, proposed 271 detention officers at</p> <p>14 Stewart?</p> <p>15 A Yes, I see that.</p> <p>16 Q Do you have any idea how many detention</p> <p>17 officers were employed at Stewart before 2017?</p> <p>18 A Without looking at the records, no.</p> <p>19 Q Okay. And then scrolling down a little bit</p> <p>20 to "Senior Detention Officer," CoreCivic proposed 18.</p> <p>21 Do you see that?</p> <p>22 A I do, yes, ma'am.</p> <p>23 Q Okay. And then -- we're jumping around, I</p> <p>24 apologize -- janitors, CoreCivic proposed 0.5. Do you</p> <p>25 see that?</p>

<p>1 RUSSELL WASHBURN</p> <p>2 A I do, yes, ma'am.</p> <p>3 Q And do you read that to mean one half-time</p> <p>4 janitor?</p> <p>5 A Yes, part time.</p> <p>6 Q Okay. Stewart -- is one part-time janitor</p> <p>7 enough to clean the whole facility of Stewart?</p> <p>8 A Again, this is not a typical -- I mean, this</p> <p>9 is a budgetary review. It depends on how many days</p> <p>10 you're covering because that .5, you know, if you're</p> <p>11 covering seven days a week, you know, for 40 hours,</p> <p>12 that 0.5 could be more than.</p> <p>13 I suspect, just based off of this, it's</p> <p>14 probably one person part time, but -- based on the</p> <p>15 overall salary, I would suggest that, but we actually</p> <p>16 have -- the janitor service is really provided for the</p> <p>17 outside building where ICE -- the construction. So the</p> <p>18 janitorial services that are being provided primarily</p> <p>19 are over in that particular location. So in that case,</p> <p>20 yes.</p> <p>21 Q Okay. So the janitors paid by CoreCivic</p> <p>22 primarily only clean the portion of the facility that</p> <p>23 is the ICE offices and ICE courtroom; is that right?</p> <p>24 A Right, outside of the secured parameters.</p> <p>25 Now, they do also clean and have been cleaning, since</p>	<p>Page 126</p> <p>1 RUSSELL WASHBURN</p> <p>2 COVID, other areas in addition to, but -- but yes.</p> <p>3 Q Prior to COVID, the rest of the facility was</p> <p>4 cleaned almost entirely by detained workers, right?</p> <p>5 A I'm sorry, you broke up.</p> <p>6 Q Prior to COVID, the rest of the facility was</p> <p>7 cleaned almost entirely by detained workers?</p> <p>8 MR. LEE: Object to form.</p> <p>9 THE WITNESS: No, I would say, I mean,</p> <p>10 staff -- staff and detainee workers would</p> <p>11 have been providing that service. Example, a</p> <p>12 control room, a detainee is not able to go</p> <p>13 inside of a control room, so that service</p> <p>14 would have been provided and cleaned by the</p> <p>15 actual officers that are assigned.</p> <p>16 So I won't say exclusively. There were</p> <p>17 certainly janitorial services being performed</p> <p>18 by detainees, but not exclusively.</p> <p>19 MS. SANDLEY: Okay.</p> <p>20 Q (By Ms. Sandley) This staffing plan, if you</p> <p>21 know, is -- is it based on a 1600 population?</p> <p>22 A As part of the contract -- again, what is the</p> <p>23 date on this email?</p> <p>24 MS. SANDLEY: Let's look at page 2,</p> <p>25 Jackie.</p>
<p>1 RUSSELL WASHBURN</p> <p>2 THE WITNESS: I see the 2017.</p> <p>3 MS. SANDLEY: Yeah.</p> <p>4 THE WITNESS: So I believe the 1600 or</p> <p>5 the expansion was in 2016, so I think it's</p> <p>6 safe to say that, yes, this would be based</p> <p>7 off of a 1600 guarantee.</p> <p>8 MS. SANDLEY: Okay. And let's go back</p> <p>9 to page 5.</p> <p>10 Q (By Ms. Sandley) All right, so looking at</p> <p>11 "Maintenance," this staffing pattern allows for one</p> <p>12 maintenance supervisor. Do you see that?</p> <p>13 A Yes, I do.</p> <p>14 Q And four maintenance workers?</p> <p>15 A I do.</p> <p>16 Q Do you see any food-service staff included in</p> <p>17 this staffing plan?</p> <p>18 A No, because they're contracted, so they would</p> <p>19 be under a separate contract for us. They would not be</p> <p>20 on our staffing plan. They would be through the</p> <p>21 contract between us and Trinity.</p> <p>22 Q Okay. All right.</p> <p>23 Do you know if this specific staffing plan</p> <p>24 was incorporated into the Stewart IGSA?</p> <p>25 A Based off of the documents I reviewed in this</p>	<p>Page 128</p> <p>1 RUSSELL WASHBURN</p> <p>2 email, I would say yes.</p> <p>3 MS. SANDLEY: Okay, let's look at the</p> <p>4 next exhibit, CCBVA105880.</p> <p>5 (Exhibit 9 marked for identification.)</p> <p>6 Q (By Ms. Sandley) All right, and this is a</p> <p>7 modification to the Stewart IGSA, correct?</p> <p>8 A Yes.</p> <p>9 Q Let's scroll down a little bit so we can see</p> <p>10 the signature date.</p> <p>11 Okay. And it appears to be dated -- or</p> <p>12 signed February 6, 2018. Do you see that.</p> <p>13 A Yes. It's hard to make out the 2018, but I</p> <p>14 believe that's what it says.</p> <p>15 Q Okay. Let's go to page 7 of this document.</p> <p>16 All right. And this is a staffing plan,</p> <p>17 correct?</p> <p>18 A It's, yes, part of a staffing plan, yes.</p> <p>19 Q Part of a staffing plan. And this one calls</p> <p>20 for [REDACTED] detention officers. Do you see that?</p> <p>21 A I do.</p> <p>22 Q That's [REDACTED] the 271 we saw in the</p> <p>23 previous proposed staffing plan we looked at, correct?</p> <p>24 A That's correct.</p> <p>25 Q Do you know why [REDACTED]</p>

1 RUSSELL WASHBURN
2 A No, I don't. I don't know when this
3 particular staffing plan or if this is the one that
4 actually made it to because it's [REDACTED] the one
5 we're operating off of today, so I'm not sure.
6 Q Okay. Can we scroll up to page 6.
7 All right. And this is another part of the
8 staffing plan, right?
9 A Yes, it is.
10 Q I want to ask you about that "Relief Factor"
11 column. Some of these positions are a 1.0 relief
12 factor, correct?
13 A That's correct.
14 Q And some of them are more than 1, correct?
15 A That's correct.
16 Q And there's one -- the janitor is .5, right?
17 A Is that on this page? Yeah, part time, or
18 yes.
19 Q Okay. How does CoreCivic calculate shift
20 relief factors?
21 A What's taken into consideration for relief
22 factor, I mean, it's based on the hours, the number
23 shifts that have to be covered, again, the number of
24 hours that have to be covered in order to come up with
25 the equation to allow -- to have an appropriate level

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2 of coverage, those same numbers of coverage that's on

3 the staffing pattern, in addition to giving people

4 vacation time, training times, things of that nature.

5 Q Okay. So the factors taken into

6 consideration in calculating the shift relief factor

7 are time off, right?

8 A Correct.

9 Q Training time?

10 A Correct. The number of -- I'm sorry.

11 Q No, go ahead. You can list them out for me.

12 A The number of hours that that post has to be

13 covered, you know, whether that's a

14 24-hour-7-day-a-week post, and then the number that's

15 expected. So if you're looking at detention officer of

16 housing on that very first block, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] So that formula gives you

20 that total number that you would need.

21 And in this case, you can see out to the far

22 right, [REDACTED] So you have to have [REDACTED] order

23 to make sure you have [REDACTED] 24 hours a

24 day, seven days a week.

25 Q Okay. Generally, are the positions with

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2 relief factors greater than one positions that require

3 24/7 coverage?

4 A For the most part, yes. Some, you know, will

5 just be a first and a second shift, you know, either at

6 five days or seven days, and that's going to change

7 that -- that formula or that math to come up with that

8 total staff that's necessary to fulfill that staffing

9 pattern.

10 Q Okay.

11 MS. SANDLEY: All right, we can take

12 this exhibit down. Let's look at the next

13 exhibit, No. 9 [sic], CCBVA244539 [sic]. All

14 right.

15 (Exhibit 10 marked for identification.)

16 MS. SANDLEY: And, Jackie, is this

17 Exhibit 10? I'm sorry if I messed up the

18 numbers. All right, this is 10.

19 Q (By Ms. Sandley) Okay, let's scroll down --

20 this is, again, another modification to the contract,

21 right, Warden?

22 A Yes, sir. I mean yes, ma'am. Sorry.

23 Q That's okay.

24 Let's scroll down to the signature date. And

25 it looks like next to the contracting officer's

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2 signature, there's a date there of April 24th, 2019.
3 Do you see that?
4 A I do. The electronic stamp there, it looks
5 like?
6 Q Yes.
7 A Yes, ma'am.
8 Q Okay. Let's scroll down to page 5.
9 All right. And this is another staffing
10 pattern, right?
11 A It is, yes.
12 Q And looking at the "Maintenance" section
13 here, there is one janitor position and one part-time
14 janitor position. Do you see that?
15 A I do.
16 Q Do you know why one janitor was added?
17 A I don't. They were in place before I got
18 here, so to answer why it was added or when, I'm not
19 sure.
20 Q Okay. Let's look at the next page. Do you
21 see where, in the "Position Summary" section, it says
22 "food service contract staff"? Do you see that?
23 A I do.
24 Q Do you know at what point the food service
25 staff was incorporated into the staffing plan under the

<p style="text-align: right;">Page 134</p> <p>1 RUSSELL WASHBURN</p> <p>2 IGSA?</p> <p>3 A I don't. It was in place when I arrived.</p> <p>4 Q Okay. But seeing it here now, would it be</p> <p>5 your understanding that because the food service staff</p> <p>6 was included in the staffing plan attached to the IGSA,</p> <p>7 CoreCivic is required to ensure that there are at least</p> <p>8 six food service staff at Stewart?</p> <p>9 A Yes.</p> <p>10 Q And then staffing ratios here, do you see</p> <p>11 those?</p> <p>12 A I do, yes, ma'am.</p> <p>13 Q Are those based on a 1600 population as well?</p> <p>14 A Yes. Any time you see -- on any of our</p> <p>15 staffing patterns, when you see that 1600 in the</p> <p>16 left-hand corner, if that number was different, then</p> <p>17 that would be reflected that that -- that would -- a</p> <p>18 change to base. So I had 1752. Instead of saying</p> <p>19 1600, it says 1752 there.</p> <p>20 Q Got it. Okay.</p> <p>21 MS. SANDLEY: All right, we can take</p> <p>22 this down.</p> <p>23 Q (By Ms. Sandley) The staffing patterns that</p> <p>24 are in place currently at Stewart, do you know when</p> <p>25 they were created?</p>	<p style="text-align: right;">Page 135</p> <p>1 RUSSELL WASHBURN</p> <p>2 A No, ma'am. They've been in place since my</p> <p>3 arrival, so I don't -- I'm sure they were created with</p> <p>4 the 1600 around that 2016 time frame; but it appears,</p> <p>5 obviously, there were some adjustments to that between</p> <p>6 that time and whenever the last one that was changed</p> <p>7 and modified before I got here.</p> <p>8 Q Okay. Does CoreCivic submit regular staffing</p> <p>9 reports about Stewart to ICE?</p> <p>10 A Yes. Each month.</p> <p>11 Q And who prepares those?</p> <p>12 A The human resource manager.</p> <p>13 Q Okay. Do you review them before they're</p> <p>14 submitted?</p> <p>15 A Not regularly, no.</p> <p>16 MS. SANDLEY: Let's take a look at</p> <p>17 Exhibit 11, CCBVA280792.</p> <p>18 (Exhibit 11 marked for identification.)</p> <p>19 Q (By Ms. Sandley) And is this one of those</p> <p>20 monthly staffing reports submitted to ICE?</p> <p>21 A It's hard to tell with all the redacted. It</p> <p>22 appears so, yes.</p> <p>23 Q Okay, we're going to look at the first tab of</p> <p>24 this document. It's called "Staff Report." And is</p> <p>25 this -- so is this tab generally a list of all the</p>
<p style="text-align: right;">Page 136</p> <p>1 RUSSELL WASHBURN</p> <p>2 staff currently at Stewart?</p> <p>3 A Yes, it's an active number of employees and</p> <p>4 which employees are physically working at the facility.</p> <p>5 Q Okay. And let's take a look at the next tab.</p> <p>6 While we pull that up, these staffing reports, are they</p> <p>7 measuring against the 1600 population staffing plan or</p> <p>8 the 1752?</p> <p>9 A I'll say they should be. I will tell you</p> <p>10 when I first came, there was some confusion, so I don't</p> <p>11 know where that started where staff were reporting from</p> <p>12 the 1752 staffing pattern and not the 1600 contracted</p> <p>13 staffing pattern. I'm not sure when that confusion</p> <p>14 started, so I can't say. This is April 2021. This one</p> <p>15 should be from the 1600 for sure, but I do know prior</p> <p>16 to my arrival and the period during the time I was</p> <p>17 here, the staff were utilizing the wrong staffing</p> <p>18 pattern and were reporting off of that higher number of</p> <p>19 staff above and beyond what the contract required.</p> <p>20 Q Okay. But these reports should be reporting</p> <p>21 based on the 1600 staffing pattern; is that right?</p> <p>22 A Correct. This April 2021 for sure was based</p> <p>23 off of 1600.</p> <p>24 Q Okay. I'm sorry to go back to that first</p> <p>25 tab, and we don't have to pull that up again, but that</p>	<p style="text-align: right;">Page 137</p> <p>1 RUSSELL WASHBURN</p> <p>2 was the tab that listed all of the employees currently</p> <p>3 at Stewart, right?</p> <p>4 A Yes. Well, I mean, the titles.</p> <p>5 Q And presumably, under the "Name" column,</p> <p>6 their names and their employee numbers under that</p> <p>7 column?</p> <p>8 A This would be the formatted form, yes, ma'am.</p> <p>9 Q Okay. If this report is reporting based on</p> <p>10 the 1600 population staffing pattern, are there</p> <p>11 employees at Stewart who are not included in this tab?</p> <p>12 MR. LEE: Object to form.</p> <p>13 THE WITNESS: Are you asking me if</p> <p>14 there's people who are working that would not</p> <p>15 be on this report?</p> <p>16 MS. SANDLEY: Correct.</p> <p>17 THE WITNESS: Not that I'm aware of,</p> <p>18 no.</p> <p>19 MS. SANDLEY: Let's look at the next</p> <p>20 tab.</p> <p>21 Q (By Ms. Sandley) Okay, and this tab lists</p> <p>22 vacant positions; is that correct?</p> <p>23 A It does, yes.</p> <p>24 Q Okay. And on this report, some of those</p> <p>25 vacant positions, like accounting clerk, mail room</p>

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 2 clerk, had been vacant for quite some time, correct?
 3 A That's correct.
 4 Q Have they been filled now?
 5 A Some of them, in fact, maybe -- minus
 6 administrative clerk because it seems like we always
 7 have an administrative clerk position that leaves or
 8 comes and goes, mail room, yes, secretary, yes,
 9 accounting clerk, yes, that administrative clerk part
 10 time, yes, and the chaplain, yes. The administrative
 11 clerk, like I said, at any given time, we could have
 12 one or two of those open because, again, those staff
 13 come and go.
 14 Q Okay. And this portion of the report also
 15 lists pending hires?
 16 A Yes.
 17 Q How long does the hiring process at CoreCivic
 18 typically take?
 19 A It varies. It's depending on the individual.
 20 The background that ICE completes can be pretty
 21 extensive, so I would say the least I've seen is four
 22 weeks, but I've seen it to 12 weeks.
 23 Q And let's look at the totals at the bottom.
 24 All right, the column that says "Allocated,"
 25 do you see that?

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 2 A Yes, ma'am, I do.
 3 Q What does "allocated" mean?
 4 A That's the number of positions approved.
 5 Q Under the 1600 population staffing plan?
 6 A I believe that number -- I'm not sure if
 7 that's accurate or not.
 8 Q You're not sure if [REDACTED] is the number of
 9 approved positions under the 1600 population staffing
 10 plan?
 11 A Right. I'd have to go back and look at that.
 12 That staffing plan you had up, if we could look at
 13 that, that could tell us that number.
 14 Q Okay, that's all right, but it's your general
 15 understanding that this should reflect the number --
 16 the total number of staff in the 1600 population
 17 staffing plan?
 18 A Yes, ma'am.
 19 Q Okay. And then the "Current" column, does
 20 that reflect the number of filled positions?
 21 A Yes, it would.
 22 Q All right. And then on this report, there
 23 were [REDACTED] vacancies. Do you see that?
 24 A I do.
 25 Q Okay. Can you explain to me how there were

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 2 currently [REDACTED] filled positions and [REDACTED] vacancies, but
 3 there were only [REDACTED] allocated positions?
 4 A No. As I said, I'm not sure that [REDACTED] is an
 5 accurate number.
 6 Q Okay. Would you expect the number in the
 7 "Current" column and the number in the "Vacancy" column
 8 to add up to the number in the "Allocated" column?
 9 A Yes.
 10 Q Okay. What does "Pending Eqip" mean?
 11 A That's the background clearance. Eqip is
 12 what they -- that's what's referencing the background
 13 clearance that ICE completes.
 14 Q What does "Pending Hire" and "Cleared" mean?
 15 A It means that they've been cleared and
 16 they're waiting to be -- until the next available
 17 pre-service orientation class would be scheduled to
 18 start. So they've been cleared through -- they
 19 received their final EOD from ICE, which is their
 20 background approval, but now we're waiting for the
 21 scheduled class to start.
 22 Q Okay. And this report indicates that in
 23 April 2021, Stewart was staffed at [REDACTED] percent?
 24 A Staffing percentage, yes, that's what the
 25 numbers are there.

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 2 Q Okay. And that's counting the Eqip hires but
 3 not the pending hires, correct?
 4 A I'd have to see what the formula is in the
 5 spreadsheet, but I would assume that would be accurate,
 6 yes.
 7 Q I'm asking based on that asterisk there right
 8 under this portion of the --
 9 A Yes.
 10 Q The staffing vacancies by position are not
 11 included in this report, correct?
 12 A The staffing vacancy -- not by position, no.
 13 Q Okay. So Stewart or CoreCivic doesn't report
 14 to ICE how many detention officer vacancies there are,
 15 correct?
 16 A I believe we do.
 17 Q Where would that information be?
 18 A It would be in the reports that go out to --
 19 from HR. I'm pretty sure we report the total number of
 20 vacancies. Can you scroll back up?
 21 Q Sure, yeah.
 22 A Yeah. Again, not on this report, but I do
 23 believe there's a different report that goes to them.
 24 I'm not a hundred percent, but I'd have to verify that.
 25 Q Okay.

<p style="text-align: right;">Page 142</p> <p>1 RUSSELL WASHBURN</p> <p>2 A But we do report all vacancies.</p> <p>3 Q Okay. Is there another report that goes out</p> <p>4 about staffing to ICE?</p> <p>5 A I'd have to verify with HR just to confirm,</p> <p>6 but it's to my understanding that we do report all of</p> <p>7 our vacancies.</p> <p>8 Q All right.</p> <p>9 MS. SANDLEY: Let's take this exhibit</p> <p>10 down.</p> <p>11 Q (By Ms. Sandley) Does CoreCivic report how</p> <p>12 much overtime staff are working to ICE?</p> <p>13 A Not that I'm aware of, no.</p> <p>14 Q Is that information collected anywhere?</p> <p>15 A Are you asking for a dollar amount or for</p> <p>16 hours?</p> <p>17 Q Well, let's start with hours. Are the hours</p> <p>18 of overtime work each month collected anywhere?</p> <p>19 A Yes, all of our hourly employees clock in and</p> <p>20 clock out, so the -- Kronos would maintain and keep</p> <p>21 that information, the number of hours of each person</p> <p>22 and how many hours of overtime they worked.</p> <p>23 Q How often does staff at Stewart work overtime</p> <p>24 right now?</p> <p>25 A By person or --</p>	<p style="text-align: right;">Page 143</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q Is it typical to have staff working overtime</p> <p>3 every day at Stewart?</p> <p>4 A Oh, yes.</p> <p>5 Q Okay. What happens if Stewart is</p> <p>6 short-staffed in intake?</p> <p>7 MR. LEE: Object to form.</p> <p>8 THE WITNESS: We would overtime to cover</p> <p>9 that vacancy for call-offs or, you know,</p> <p>10 somebody calls in sick, then we would use</p> <p>11 overtime to offset that and cover that.</p> <p>12 Q (By Ms. Sandley) Okay, and same thing in the</p> <p>13 chow hall, for example, you would use overtime to cover</p> <p>14 that?</p> <p>15 A That's correct.</p> <p>16 Q Okay. Has CoreCivic ever increased staffing</p> <p>17 at Stewart without seeking a modification to the IGSA?</p> <p>18 A If I --</p> <p>19 MR. LEE: Object to form.</p> <p>20 THE WITNESS: I'm sorry.</p> <p>21 MR. LEE: Go ahead.</p> <p>22 THE WITNESS: Yeah, I mean, the 1752,</p> <p>23 we're not compensated for that 1752 staffing</p> <p>24 pattern, which is our budgeted staffing</p> <p>25 pattern. That's the one that we hire to as</p>
<p style="text-align: right;">Page 144</p> <p>1 RUSSELL WASHBURN</p> <p>2 the higher and greater band, but it's not</p> <p>3 captured into that per diem rate because the</p> <p>4 1600 contract is the one that we actually are</p> <p>5 paid for.</p> <p>6 Q (By Ms. Sandley) Generally, comparing the</p> <p>7 1600 to 1752 staffing plans, where are the differences?</p> <p>8 So, for example, are there more detention officers in</p> <p>9 the 1752?</p> <p>10 A There is. I'd have to go back and look at</p> <p>11 the number. That's the biggest variance, is in the</p> <p>12 detention officers. And like an example, you saw there</p> <p>13 was only a maintenance supervisor and four workers. We</p> <p>14 have an assistant maintenance supervisor as well that's</p> <p>15 not captured in there. So there's a few others, but</p> <p>16 primarily in security is where you're going to see the</p> <p>17 big difference.</p> <p>18 Q Okay. And are there more supervisor-level</p> <p>19 positions in the 1752?</p> <p>20 A I believe so in medical. There might be one</p> <p>21 additional clinical supervisor that's not captured and</p> <p>22 maybe even one assistant because we have two assistant</p> <p>23 HSAs. I'd have to go back and again look at the</p> <p>24 staffing pattern, but -- to see if it calls for two or</p> <p>25 one, but we actually have two. For some reason, I</p>	<p style="text-align: right;">Page 145</p> <p>1 RUSSELL WASHBURN</p> <p>2 think the 1600 only requires one.</p> <p>3 Q Okay. So setting aside medical, the majority</p> <p>4 of the increase in the 1752 staffing plan as compared</p> <p>5 to the 1600 is in --</p> <p>6 A Security, that's the bulk.</p> <p>7 Q -- security and nonsupervisory positions; is</p> <p>8 that right?</p> <p>9 A That's correct, hourly staff.</p> <p>10 Q Got it. Okay.</p> <p>11 Who currently provides the phone services at</p> <p>12 Stewart?</p> <p>13 A Talton, if I said that correctly.</p> <p>14 Q And when did they start providing phone</p> <p>15 services at Stewart?</p> <p>16 A I'm not sure. That contract is directly with</p> <p>17 ICE. It's not our contract. It was in place when I</p> <p>18 arrived, but I believe they had Securus, I think, is</p> <p>19 what I understood prior to. But when that transition</p> <p>20 occurred, I'm not a hundred percent.</p> <p>21 Q Did you review the Securus contract in</p> <p>22 preparing for this deposition today?</p> <p>23 A No.</p> <p>24 Q Okay. People detained at Stewart have to pay</p> <p>25 for personal phone calls; is that right?</p>

<p style="text-align: right;">Page 146</p> <p>1 RUSSELL WASHBURN</p> <p>2 A That's correct.</p> <p>3 Q Do you know what the current phone rates are?</p> <p>4 A I don't.</p> <p>5 Q Are they documented anywhere?</p> <p>6 A Again, presumably in that contract, I would believe those should be a negotiated and contracted rate, but I'd have to review that, obviously, to see -- to confirm that.</p> <p>10 Q Are the rates made available to detained people at Stewart?</p> <p>12 A I believe they are. There's so many documents posted in housing units, as you know. I want to say yes, but I'd have to go down there and confirm that, but I believe I do recall flipping through there and seeing a rated schedule in there, but I'd have to confirm it.</p> <p>18 Q CoreCivic sells phone time through the commissary, correct?</p> <p>20 A Correct. We sell phone cards, yes, ma'am.</p> <p>21 Q And is there a markup on those phone cards?</p> <p>22 A I don't believe there is, and even if there was, a hundred percent of those funds stay in the commissary detainee welfare account, so CoreCivic would not -- actually would not be able to benefit from</p>	<p style="text-align: right;">Page 147</p> <p>1 RUSSELL WASHBURN</p> <p>2 anything from commissary, whether it's phone time, phone cards, or items off of their -- in fact, I think it's Modification 27 that states that we can't benefit from those.</p> <p>6 Q Okay. But you don't know right now whether currently the cost of phone cards is marked up from what the phone rates are under the Talton contract?</p> <p>9 MR. LEE: Object to form.</p> <p>10 THE WITNESS: I do not believe that they are, but I can't say without -- 100 percent, but I don't believe they are.</p> <p>13 MS. SANDLEY: Okay.</p> <p>14 Q (By Ms. Sandley) CoreCivic received commission on phone time under the Securus contract; is that correct?</p> <p>17 A It's in our budgeted numbers; but, again, that's one we don't benefit from. That goes directly to ICE or to -- not even to the welfare account. It goes directly to ICE. So although for accounting purposes, you see it in our financials, in our numbers, but 100 percent of that funds -- and that's in that modification. I think it's 27. There's so many of them. It clearly shows that that money has to go to ICE.</p>
<p style="text-align: right;">Page 148</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q And was that true under the Securus contract?</p> <p>3 A Again, I'd be speculating to say. That was before my time. It's been Talton since I arrived.</p> <p>5 MS. SANDLEY: I'm just going to object for the record. This is related to Topic 7 under the 30(b)(6) notice. That clearly indicates the Securus contract was to be covered today.</p> <p>10 MR. LEE: It doesn't. I would refer you back to our objections both in negotiating this and to the RFPs where we objected to the relevance of that Securus contract, which is why it was never produced in this case.</p> <p>15 MS. SANDLEY: That was not something that was raised in our conferral with Rachel, Jacob.</p> <p>18 Let's look at Exhibit No. 11 [sic]. The Bates is SECURUS_95.</p> <p>20 (Exhibit 12 marked for identification.)</p> <p>21 Q (By Ms. Sandley) Okay, Warden Washburn, I know you testified earlier you did not review this document. I'll represent to you that this is the Securus contract produced to us by Securus, okay?</p> <p>25 A All right.</p>	<p style="text-align: right;">Page 149</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q And we're going to take a look at page 56.</p> <p>3 MR. LEE: Counsel, can we get this dropped in the chat before you start asking questions. I'd like to be able to review it contemporaneously.</p> <p>7 MS. SANDLEY: (Complies with request.)</p> <p>8 MR. LEE: Thank you.</p> <p>9 MS. SANDLEY: All right.</p> <p>10 Q (By Ms. Sandley) And, Warden Washburn, this --</p> <p>12 MS. SANDLEY: Let's actually scroll up to the previous page, Jackie. All right.</p> <p>14 Q (By Ms. Sandley) Warden Washburn, do you see there where it says "Customer Facilities and Compensation"?</p> <p>17 A Yes, ma'am. I do, yes.</p> <p>18 Q Okay. And it says, "The commission percentage identified below shall be effective May 1, 2011." Do you see that?</p> <p>21 A I do, yes, ma'am.</p> <p>22 Q Okay. And let's scroll down to the next page.</p> <p>24 Okay. And this is the commission rate structure set out in this contract. Does this refresh</p>

<p>1 RUSSELL WASHBURN</p> <p>2 your recollection at all about whether CoreCivic</p> <p>3 received commission on phone calls made under the</p> <p>4 Securus contract?</p> <p>5 A I really would need to see the whole</p> <p>6 contract. It's hard from this part. It's got so much</p> <p>7 redaction. There's obviously a revenue range and a</p> <p>8 commission rate that's clearly there, and it appears</p> <p>9 that this specific contract, I believe at the top,</p> <p>10 CoreCivic, Corrections Corporation of America at the</p> <p>11 time -- so it suggests that, yes. But, again, without</p> <p>12 seeing that whole contract, it would be difficult for</p> <p>13 me to confirm definitively.</p> <p>14 Q Okay.</p> <p>15 MS. SANDLEY: Jackie, we can take this</p> <p>16 down.</p> <p>17 Q (By Ms. Sandley) How do people detained at</p> <p>18 Stewart pay for phone calls?</p> <p>19 A They have money placed on their books,</p> <p>20 whether they have money, whether they're working here</p> <p>21 and they earn money, they can apply it there, family</p> <p>22 members send their money into Western Union, put their</p> <p>23 money on their account so they can buy either phone</p> <p>24 time or specific -- I'll stick to phone time. That was</p> <p>25 the question. So they can -- either money is being</p>	<p>Page 150</p> <p>1 RUSSELL WASHBURN</p> <p>2 sent in from family members, loved ones, or their work</p> <p>3 that they're performing here and being paid for under</p> <p>4 the voluntary work program. Those funds can be put in</p> <p>5 there, and it's electronically transmitted that way.</p> <p>6 Q Okay. So if a person detained at Stewart</p> <p>7 does not have any money coming into their account from</p> <p>8 the outside, from family members or friends, the only</p> <p>9 way they can purchase phone time is by working and</p> <p>10 earning money; is that correct?</p> <p>11 MR. LEE: Object to form.</p> <p>12 THE WITNESS: As far as purchasing, yes.</p> <p>13 But I will tell you Talton actually now</p> <p>14 offers/provides 13 ten-minute calls that are</p> <p>15 free, and those are replenished, I believe,</p> <p>16 monthly. In addition, any of the detainees</p> <p>17 can request through their case management</p> <p>18 staff, unit management staff, for assistance</p> <p>19 to utilize a phone, a facility phone, and</p> <p>20 make a phone call that way.</p> <p>21 Q (By Ms. Sandley) Those free calls provided</p> <p>22 by Talton, was that something that was implemented</p> <p>23 after COVID-19 became an issue at ICE detention</p> <p>24 facilities?</p> <p>25 A Yes, ma'am. It was sometime after April</p>
<p>Page 152</p> <p>1 RUSSELL WASHBURN</p> <p>2 2020. I'm not sure exactly when they put that in. It</p> <p>3 was really a mechanism because of visitation</p> <p>4 restrictions. And then, of course, that was prior to</p> <p>5 the tablets. And, of course, they still exist today,</p> <p>6 the free phone calls, but they also have tablets where</p> <p>7 they can communicate as well.</p> <p>8 Q Okay. And people have to -- people detained</p> <p>9 at Stewart have to pay for certain services and</p> <p>10 programs on the tablets too, right?</p> <p>11 A Primarily visitation. You know, to generate</p> <p>12 a medical request, a grievance, those things are not</p> <p>13 things that they have to pay for. They can actually</p> <p>14 get on those, send emails to prospective staff inside</p> <p>15 the facility. Those aren't a cost to the detainee</p> <p>16 either.</p> <p>17 Q Okay. And when you say "visitation," you're</p> <p>18 referring to, like, video calls on the tablets?</p> <p>19 A Yes, ma'am, video visitation.</p> <p>20 Q Okay. How are you doing, Warden? Do you</p> <p>21 need a break?</p> <p>22 A No, I think I'm good, unless anybody else</p> <p>23 needs one.</p> <p>24 Q Let's keep going.</p> <p>25 You testified earlier with Mr. Howard that a</p>	<p>Page 153</p> <p>1 RUSSELL WASHBURN</p> <p>2 number of DHS entities have conducted audits at</p> <p>3 Stewart, right?</p> <p>4 A Yes, ma'am.</p> <p>5 Q Does the Office of Detention Oversight</p> <p>6 conduct audits at Stewart?</p> <p>7 A Yes, ma'am.</p> <p>8 Q And do they contract with a third party to</p> <p>9 conduct those audits?</p> <p>10 A I think in part. I think they do have</p> <p>11 Creative -- I might be confused. I think it is</p> <p>12 Creative Corrections. They might actually provide some</p> <p>13 assistance to Nakamoto too, but I know for sure -- I</p> <p>14 believe it's Creative Corrections with ODO, but they</p> <p>15 also have some of their -- I believe some of their own</p> <p>16 staff in addition to.</p> <p>17 Q Okay. And when ODO conducts audits at</p> <p>18 Stewart, what set of standards are they auditing for</p> <p>19 compliance with?</p> <p>20 A The PBNDS standards is what they're using for</p> <p>21 their basis. Now, when they come, they have specific</p> <p>22 standards that they're looking at. For example, we had</p> <p>23 one in October, so they looked at a set of standards in</p> <p>24 October. When they come again -- typically it's around</p> <p>25 six months, every six months they're coming, give or</p>

<p style="text-align: right;">Page 154</p> <p>1 RUSSELL WASHBURN</p> <p>2 take -- they'll look at a different set of standards in</p> <p>3 that next audit. Now, it may be some of the same, but</p> <p>4 there will be also some different ones because it</p> <p>5 rotates the standards. And, quite frankly, we don't</p> <p>6 know which standards they're going to be looking at, so</p> <p>7 it's a surprise when they get here.</p> <p>8 Q And ODO conducts on-site inspections, right?</p> <p>9 A Well, they were since this past one, yes.</p> <p>10 Prior to that, they were all remote, and that was</p> <p>11 because of the COVID protocols that were in there. So</p> <p>12 they did remote evaluations, but this last one that</p> <p>13 occurred in October, they were physically on site.</p> <p>14 Q Okay. So in a typical non-COVID ODO audit,</p> <p>15 apart from them coming on site, do they review</p> <p>16 documents?</p> <p>17 A Do they review documents prior to getting on</p> <p>18 site?</p> <p>19 Q Yes.</p> <p>20 A Yes, for both. They review prior to because</p> <p>21 they do have to upload to a SharePoint specific</p> <p>22 documents that they want, that they've requested, but</p> <p>23 then in addition to -- but really the on-site more so</p> <p>24 was a thing -- when they were here, they reviewed more</p> <p>25 documents physically while they were here as opposed to</p>	<p style="text-align: right;">Page 155</p> <p>1 RUSSELL WASHBURN</p> <p>2 uploading.</p> <p>3 Now, the virtual, we had a large amount of</p> <p>4 documents that there was a request and we had to</p> <p>5 upload, so that was a hundred percent done prior to or</p> <p>6 in conjunction with.</p> <p>7 Q Okay. And when ODO is on site, do they</p> <p>8 interview detained people?</p> <p>9 A Yes, detainees and staff.</p> <p>10 Q Okay. And by "staff," you mean CoreCivic</p> <p>11 staff?</p> <p>12 A I believe both, ICE staff and CoreCivic staff</p> <p>13 and detainees. And for the record, they actually did</p> <p>14 those interviews even when they were remote.</p> <p>15 Q Did they do them by video?</p> <p>16 A Yes, ma'am.</p> <p>17 Q Okay. If ODO finds Stewart to be not in</p> <p>18 compliance with a PBNS standard, what happens then?</p> <p>19 Is there a consequence?</p> <p>20 A It could be. It could result in a CDR.</p> <p>21 That's really for ICE to evaluate and make that</p> <p>22 determination as to whether or not they're going to</p> <p>23 issue a CDR. But for all, we would develop a</p> <p>24 corrective action plan and go through that same process</p> <p>25 as I described earlier for the facility, you know, us</p>
<p style="text-align: right;">Page 156</p> <p>1 RUSSELL WASHBURN</p> <p>2 looking for mechanisms to prevent reoccurrence for the</p> <p>3 future.</p> <p>4 Q Okay. And if there's a corrective action</p> <p>5 plan developed in response to an ODO noncompliance</p> <p>6 finding, does ODO conduct a re-audit?</p> <p>7 A I think they have done some reassessments</p> <p>8 on -- I don't know that it's a set requirement, but</p> <p>9 since I've been here, I do believe that they have come</p> <p>10 back and looked at some of the follow-ups. And, again,</p> <p>11 I apologize, I get confused between CRCL groups that</p> <p>12 have been here, the Nakamotos and the ODOs, but I think</p> <p>13 ODO does periodically, whether they physically come or</p> <p>14 ask for supporting documents to demonstrate compliance,</p> <p>15 I believe we have done that.</p> <p>16 Q Okay. How much notice do you typically get</p> <p>17 for an ODO audit?</p> <p>18 A That varies. There's not a set. I think the</p> <p>19 last time we were notified, it was like maybe a week</p> <p>20 before, but I've seen it as two or three weeks out,</p> <p>21 four weeks. I don't think I've seen anything further</p> <p>22 out than a four-week, but more often than not, it's</p> <p>23 less than that.</p> <p>24 Q Okay.</p> <p>25 MS. SANDLEY: Let's take a look at</p>	<p style="text-align: right;">Page 157</p> <p>1 RUSSELL WASHBURN</p> <p>2 Exhibit 13, CCEVA196130.</p> <p>3 (Exhibit 13 marked for identification.)</p> <p>4 Q (By Ms. Sandley) All right, this is an email</p> <p>5 thread that appears to be between John Bretz and</p> <p>6 Michael Donahue. Michael Donahue is a warden at</p> <p>7 Stewart, right?</p> <p>8 A Yes, ma'am, he's the previous warden prior to</p> <p>9 me.</p> <p>10 Q Okay. And those other folks listed in the cc</p> <p>11 block were also CoreCivic employees at Stewart,</p> <p>12 correct?</p> <p>13 A Yes, ma'am.</p> <p>14 Q Okay. Let's look at the first email in this</p> <p>15 thread. It's at the bottom of page 1. Okay, and it</p> <p>16 starts --</p> <p>17 MS. SANDLEY: Sorry, Jackie, just so we</p> <p>18 can see the "From" and "To."</p> <p>19 Q (By Ms. Sandley) Is this from -- Douglas</p> <p>20 Nagel, do you know who that is?</p> <p>21 A No, ma'am, I do not.</p> <p>22 Q All right. And it's to a bunch of people at</p> <p>23 ICE, correct?</p> <p>24 A Yes, ma'am.</p> <p>25 Q Okay. And let's look at page 3.</p>

<p style="text-align: right;">Page 158</p> <p>1 RUSSELL WASHBURN</p> <p>2 Okay, can you take a -- just take a minute to</p> <p>3 read this report about this detained person,</p> <p>4 [REDACTED]</p> <p>5 A Is there anything above where it says</p> <p>6 "Detainees are released"? Is this the whole piece of</p> <p>7 that other than -- I thought I saw something, but maybe</p> <p>8 that was just from the -- all right, maybe -- oh, wait</p> <p>9 a minute. Oh, it's a bleed-over from the previous</p> <p>10 page. So I need to start from "Detainees"? Is that</p> <p>11 where I need to start?</p> <p>12 Q No. The name [REDACTED]</p> <p>13 A All right.</p> <p>14 Okay.</p> <p>15 Q All right. The issue raised here in this</p> <p>16 email appears to be that this person's scheduled law</p> <p>17 library time sometimes overlapped with their work</p> <p>18 schedule; is that right?</p> <p>19 A Yes, ma'am.</p> <p>20 Q Okay. And that when he went to work late</p> <p>21 after going to the law library, his pay was docked. Do</p> <p>22 you agree?</p> <p>23 A That's what's in the email, yes, ma'am.</p> <p>24 Q Okay. Do detained people have control over</p> <p>25 the law library schedule at Stewart?</p>	<p style="text-align: right;">Page 159</p> <p>1 RUSSELL WASHBURN</p> <p>2 A No.</p> <p>3 Q That schedule is set by Stewart staff?</p> <p>4 A That's correct.</p> <p>5 Q And all detained people are entitled access</p> <p>6 to the law library, correct?</p> <p>7 A Absolutely, yes, ma'am.</p> <p>8 Q Work program participants are paid by the</p> <p>9 day, right?</p> <p>10 A That's correct.</p> <p>11 Q They're not paid by the hour, correct?</p> <p>12 A That's correct.</p> <p>13 Q Okay. So when a detained person's pay is</p> <p>14 docked because they're late to work, do you have any</p> <p>15 idea if that means they just weren't paid for the day</p> <p>16 or if they were paid less than what their day rate</p> <p>17 might have been? Have you ever seen that before?</p> <p>18 A I have. And I would say to this that if a</p> <p>19 staff member did this, it would be an error. There's</p> <p>20 not a protocol that would take monies away from</p> <p>21 somebody who was attending the law library or</p> <p>22 established program. So, to me, this would be a</p> <p>23 one-off and potentially be a re-education opportunity</p> <p>24 for an employee.</p> <p>25 Again, I don't know what the outcome of this</p>
<p style="text-align: right;">Page 160</p> <p>1 RUSSELL WASHBURN</p> <p>2 was, did they remedy it, did they give him his money</p> <p>3 back, did they even ever take money. I don't know.</p> <p>4 But, to me, this would be an example of an employee who</p> <p>5 applies something that they just weren't authorized to</p> <p>6 apply.</p> <p>7 Q What would have been a possible solution to</p> <p>8 this issue?</p> <p>9 A I mean, we could have done a number of</p> <p>10 things. I mean, we could have evaluated the building</p> <p>11 schedule, we could have evaluated the law library</p> <p>12 schedule for that particular area in which the kitchen</p> <p>13 workers were coming out of and make an adjustment</p> <p>14 there. But the outcome shouldn't have been that, you</p> <p>15 know, we take monies away from somebody, if we did.</p> <p>16 You know, I'm assuming, based on this, that maybe that</p> <p>17 was originally, but I don't know what the final outcome</p> <p>18 was. That wouldn't have been the occurrence, but there</p> <p>19 are some other adjustments that could have been made as</p> <p>20 opposed to going down the path that it appears that</p> <p>21 this person at least was speculated to be going down.</p> <p>22 Q Okay. So the law library schedule could have</p> <p>23 been adjusted?</p> <p>24 A It could have. The work schedule could have</p> <p>25 been adjusted. I mean, it all depends -- you know, I</p>	<p style="text-align: right;">Page 161</p> <p>1 RUSSELL WASHBURN</p> <p>2 don't know -- at that time, were all the detainees</p> <p>3 coming out of the same location? So it may have been a</p> <p>4 simple adjustment of law library access hours for that</p> <p>5 particular group. But even with that being said, if</p> <p>6 somebody has got an upcoming case and they need</p> <p>7 additional time, we would afford them that time to get</p> <p>8 to the law library and certainly wouldn't take monies</p> <p>9 away from them for not.</p> <p>10 Q Okay.</p> <p>11 MS. SANDLEY: Let's take a look at</p> <p>12 Exhibit 14. It's CCBVA6239.</p> <p>13 (Exhibit 14 marked for identification.)</p> <p>14 Q (By Ms. Sandley) And, Warden, this is an ODO</p> <p>15 report dated July 31, 2019, correct?</p> <p>16 A Yes, ma'am, it is.</p> <p>17 Q Have you seen this before?</p> <p>18 A I believe I have, yes.</p> <p>19 Q Okay. Let's go to page 15.</p> <p>20 Okay. Warden, do you see where it says under</p> <p>21 "Food Service," "ODO observed detainees cleaning</p> <p>22 cafeteria tables during the lunch meal on the first day</p> <p>23 of the inspection and observed improper</p> <p>24 cleaning/sanitizing techniques; tables were not</p> <p>25 adequately cleaned and sanitized during and after meal</p>

<p style="text-align: right;">Page 162</p> <p>1 RUSSELL WASHBURN</p> <p>2 service"? Do you see that?</p> <p>3 A Yes, ma'am, I do.</p> <p>4 Q Okay. And written here it says, "Corrective</p> <p>5 Action: Prior to the completion of the inspection,</p> <p>6 corrective action plan was initiated by food service</p> <p>7 staff who instructed detainees in proper cleaning and</p> <p>8 sanitation procedures. ODO observed proper cleaning</p> <p>9 during the remainder of the inspection." Do you see</p> <p>10 that?</p> <p>11 A Yes, ma'am, I do.</p> <p>12 Q And the food service staff would be Trinity</p> <p>13 staff, right?</p> <p>14 A That's correct.</p> <p>15 Q Okay. So according to this ODO report, the</p> <p>16 tables in the cafeteria were not being adequately</p> <p>17 cleaned and the solution was to instruct detained</p> <p>18 workers on how to clean them better; do you agree?</p> <p>19 A Yes, ma'am. That's the way it's written here</p> <p>20 in the report, yes, ma'am.</p> <p>21 Q Okay.</p> <p>22 MS. SANDLEY: And let's look at the next</p> <p>23 exhibit, No. 15, CCBVA150697.</p> <p>24 (Exhibit 15 marked for identification.)</p> <p>25 Q (By Ms. Sandley) Okay. And, Warden</p>	<p style="text-align: right;">Page 163</p> <p>1 RUSSELL WASHBURN</p> <p>2 Washburn, is this one of those corrective action plans</p> <p>3 we were talking about earlier?</p> <p>4 A Yes, ma'am. And ICE refers to them as UCAP,</p> <p>5 which is a Uniform Corrective Action Plan. CoreCivic</p> <p>6 [indiscernible] as CAP, Correction Action Plan, so...</p> <p>7 Q Okay. ICE loves acronyms, right?</p> <p>8 A Yes, ma'am. So do we, though.</p> <p>9 (Discussion off the record.)</p> <p>10 Q (By Ms. Sandley) Let's look at page 2 of</p> <p>11 this document. And who creates these CAPs?</p> <p>12 A It would be facility staff. Typically the</p> <p>13 person that the deficiency falls in or the department</p> <p>14 would initiate the UCAP, in this case. Then it is</p> <p>15 presented to the appropriate leadership, whether that</p> <p>16 be the chief of security, chief of unit management,</p> <p>17 assistant wardens, as well as quality assurance</p> <p>18 manager, and then ultimately to me for review and final</p> <p>19 approval before we submit to our Facility Support</p> <p>20 Center, which then does another complete review process</p> <p>21 and then ultimately, once approved, submits to ICE.</p> <p>22 Q Okay. All right. And the first deficiency</p> <p>23 listed here is, "Sanitation in housing units, hold</p> <p>24 rooms, and the dining area was inadequate." Do you see</p> <p>25 that?</p>
<p style="text-align: right;">Page 164</p> <p>1 RUSSELL WASHBURN</p> <p>2 A Yes, ma'am, I do.</p> <p>3 Q Okay. And it says under "Corrections Made,"</p> <p>4 "During the August 2019 town hall meetings with the</p> <p>5 detainees, unit teams clarified sanitation expectations</p> <p>6 in the units."</p> <p>7 So with regard to the sanitation in the</p> <p>8 units, according to this CAP, the corrective action was</p> <p>9 to clarify sanitation expectations with detainees?</p> <p>10 A Yes, ma'am. And that's consistent with the</p> <p>11 PBND standards, if you look at 5.8, where it talks</p> <p>12 about the persons are responsible for keeping their</p> <p>13 living areas sanitized and cleaned.</p> <p>14 Q Okay. And it doesn't say that there was any</p> <p>15 clarification regarding unit sanitation made with</p> <p>16 CoreCivic staff, correct?</p> <p>17 A Not in this corrective action plan, no.</p> <p>18 Q Okay. And let's look at the next page. It</p> <p>19 goes on to say -- at the very end of this column, it</p> <p>20 says "Additional workers." Do you see that?</p> <p>21 A The "As noted" -- yes, "Additional workers</p> <p>22 have been..."</p> <p>23 Q Okay. So it says, "Additional workers have</p> <p>24 been assigned and trained to properly clean and</p> <p>25 sanitize the dining areas." And it could be that this</p>	<p style="text-align: right;">Page 165</p> <p>1 RUSSELL WASHBURN</p> <p>2 is related to that -- the tables in the chow hall issue</p> <p>3 that we saw in the previous exhibit we looked at,</p> <p>4 right?</p> <p>5 A It could be. Can we scroll back up? Does it</p> <p>6 have a number or anything to the left that typically</p> <p>7 would associate it with the finding? So it's under the</p> <p>8 Environmental Health and Safety standards. I hate to</p> <p>9 ask you, but if we'd flip back just to confirm that it</p> <p>10 is under the Environmental Health and Safety. I didn't</p> <p>11 look at that when I last -- the actual report.</p> <p>12 Q It's okay. Let's look at the sentence before</p> <p>13 that. It says, "As noted on the ODO report, dining</p> <p>14 room sanitation was corrected during the inspection."</p> <p>15 Do you see that?</p> <p>16 A Yes, ma'am, I do.</p> <p>17 Q Okay. So the corrective action to the dining</p> <p>18 room sanitation issue was that additional detained</p> <p>19 workers were assigned to clean the dining areas; is</p> <p>20 that correct?</p> <p>21 A That's what is stated in the UCAP yes, ma'am.</p> <p>22 Q Okay. And the UCAP doesn't say anything</p> <p>23 about instructing CoreCivic staff on properly cleaning</p> <p>24 the dining areas, correct?</p> <p>25 A Not in that section. I mean, it does talk</p>

<p style="text-align: right;">Page 166</p> <p>1 RUSSELL WASHBURN</p> <p>2 about above that where managers will be responsible for</p> <p>3 ensuring the issues notated on the forms are addressed.</p> <p>4 Q Okay, but that's in relation to the intake</p> <p>5 and discharge areas, correct?</p> <p>6 A Yes. On two pages, it's hard --</p> <p>7 Q I know.</p> <p>8 A It appears -- related to this corrective</p> <p>9 action, it appears there's a couple issues that they</p> <p>10 were addressing in this corrective -- I don't believe</p> <p>11 that first part is relative to the kitchen. It doesn't</p> <p>12 appear to be.</p> <p>13 Q Right. So that's talking about the housing</p> <p>14 units, correct?</p> <p>15 A Right.</p> <p>16 Q Okay. And then let's scroll down. That next</p> <p>17 paragraph or chunk is talking about intake/discharge,</p> <p>18 correct?</p> <p>19 A Yes, ma'am. Okay.</p> <p>20 Q And then the third one is talking about the</p> <p>21 dining room?</p> <p>22 A Yes.</p> <p>23 Q All right. So under the dining room, it</p> <p>24 doesn't say anything about CoreCivic staff being</p> <p>25 instructed on properly cleaning the dining areas,</p>	<p style="text-align: right;">Page 167</p> <p>1 RUSSELL WASHBURN</p> <p>2 correct?</p> <p>3 A It does not.</p> <p>4 Q And it doesn't say anything about adding</p> <p>5 additional Trinity or CoreCivic staff to clean the</p> <p>6 dining areas, correct?</p> <p>7 A It does not.</p> <p>8 MS. SANDLEY: Okay, let's take this</p> <p>9 down.</p> <p>10 Q (By Ms. Sandley) ICE's Enforcement and</p> <p>11 Removal Operations also audits Stewart, correct?</p> <p>12 A Yes.</p> <p>13 Q And they're known as ERO?</p> <p>14 A Yes, ma'am.</p> <p>15 Q ERO contracts with a company called Nakamoto</p> <p>16 to conduct those audits, correct?</p> <p>17 A Yes, ma'am.</p> <p>18 Q Okay. And is there anything significantly</p> <p>19 different from the ODO -- between the ODO audits and</p> <p>20 the Nakamoto audits?</p> <p>21 A There's really not --</p> <p>22 MR. LEE: Form.</p> <p>23 THE WITNESS: I'm sorry.</p> <p>24 There's really not a lot of differences.</p> <p>25 I mean, they're both auditing to ICE PBNDS</p>
<p style="text-align: right;">Page 168</p> <p>1 RUSSELL WASHBURN</p> <p>2 standards, so there's really not a lot of</p> <p>3 difference.</p> <p>4 Q (By Ms. Sandley) Okay, so generally the same</p> <p>5 process, correct?</p> <p>6 A Yes, ma'am.</p> <p>7 Q And they're auditing to PBNDS standards,</p> <p>8 correct?</p> <p>9 A Correct. And they also interview staff, ICE</p> <p>10 staff, as well as detainees while they're here on site.</p> <p>11 Q Okay. And apart from during COVID, Nakamoto</p> <p>12 does on-site inspections?</p> <p>13 A Yes. The last one we had was actually</p> <p>14 physically on site.</p> <p>15 Q Okay. And does Nakamoto interview staff?</p> <p>16 A Yes.</p> <p>17 Q Does Nakamoto interview detained people?</p> <p>18 A Yes.</p> <p>19 Q Okay. Do you know about how much notice you</p> <p>20 typically get for Nakamoto audits?</p> <p>21 A I think it's about the same. There's not,</p> <p>22 you know, a lead time in the notifications. What I've</p> <p>23 also found is that they change pretty frequently too,</p> <p>24 either coming sooner or coming late, so they do change</p> <p>25 from time to time from the original date that was</p>	<p style="text-align: right;">Page 169</p> <p>1 RUSSELL WASHBURN</p> <p>2 provided.</p> <p>3 Q Okay.</p> <p>4 MS. SANDLEY: Let's look at Exhibit</p> <p>5 16, CCBVA6060.</p> <p>6 (Exhibit 16 marked for identification.)</p> <p>7 Q (By Ms. Sandley) All right, and this is a</p> <p>8 Nakamoto audit report, correct?</p> <p>9 A It is, yes, ma'am.</p> <p>10 Q It's dated May 9th, 2019?</p> <p>11 A Yes.</p> <p>12 Q Let's look at page 2.</p> <p>13 Okay, so Nakamoto reports that Stewart was</p> <p>14 found to meet standards in all applicable areas in</p> <p>15 2018; is that right?</p> <p>16 A Yes.</p> <p>17 Q And then in 2019, Nakamoto reports Stewart</p> <p>18 met standards in 39 -- in all of the applicable areas,</p> <p>19 correct?</p> <p>20 A Yes, ma'am.</p> <p>21 Q Okay. And it goes on to say right under</p> <p>22 those tables that "The inspection team identified four</p> <p>23 deficient components in the following four standards."</p> <p>24 What's the difference between being found</p> <p>25 deficient by Nakamoto and not meeting the standard?</p>

<p>1 RUSSELL WASHBURN</p> <p>2 MR. LEE: Form and foundation.</p> <p>3 THE WITNESS: I don't know if there is a</p> <p>4 difference. I'd be curious if there was --</p> <p>5 if they audited them twice in 2019. I don't</p> <p>6 know. But if there was a deficiency, they</p> <p>7 should be under that category "Does Not Meet</p> <p>8 Standards" unless there was a previous 2019</p> <p>9 in front of this one and they're referencing</p> <p>10 that. And, again, I'd have to go back and</p> <p>11 look to see if they actually had two</p> <p>12 Nakamotos in that single year.</p> <p>13 MS. SANDLEY: Okay.</p> <p>14 THE WITNESS: Or it could be just an</p> <p>15 error in the report.</p> <p>16 MS. SANDLEY: Right.</p> <p>17 Q (By Ms. Sandley) Let's look at page 4. And</p> <p>18 do Nakamoto reports typically include the inspection</p> <p>19 worksheet?</p> <p>20 A Yes.</p> <p>21 Q And is that the tool that Nakamoto uses when</p> <p>22 it's conducting the audit?</p> <p>23 A Yes, ma'am.</p> <p>24 Q To your understanding, does the inspection</p> <p>25 worksheet include everything that Nakamoto is looking</p>	<p>Page 170</p> <p>1 RUSSELL WASHBURN</p> <p>2 at in the course of the audit?</p> <p>3 A I believe it does. Like I said, it's pretty</p> <p>4 thick. It's about as thick as a phone book usually, so</p> <p>5 I would say it includes everything.</p> <p>6 Q Okay. Well, speaking of thick as a phone</p> <p>7 book, let's look at page 145 of this document.</p> <p>8 Okay. And we're going to scroll down to</p> <p>9 where the work program standard starts. It might be --</p> <p>10 there we go, 146.</p> <p>11 So this is the portion of the inspection</p> <p>12 worksheet related to PBNDS Standard 5.8 about the</p> <p>13 voluntary work program, correct?</p> <p>14 A Yes, ma'am, it is.</p> <p>15 Q Okay. Under Component 1, where it says,</p> <p>16 "Detainees who are physically and mentally able to work</p> <p>17 shall be provided the opportunity to participate in a</p> <p>18 voluntary work program."</p> <p>19 So in this audit, Nakamoto found that Stewart</p> <p>20 was meeting this standard, correct?</p> <p>21 A Correct.</p> <p>22 Q And there are no remarks here?</p> <p>23 A Correct.</p> <p>24 Q Do you know how Nakamoto assesses compliance</p> <p>25 with this component?</p>
<p>1 RUSSELL WASHBURN</p> <p>2 A Through review of documentation, through</p> <p>3 review of, of course, the standard, and then through</p> <p>4 personal observations as well as interviews.</p> <p>5 Q What kinds of documents would Nakamoto look</p> <p>6 at to assess compliance with the standard?</p> <p>7 A The work packets that each of the detainees</p> <p>8 has to complete and, as well, staff have to complete</p> <p>9 for the voluntary work program. There's a good number</p> <p>10 of individual documents. You know, it would also be</p> <p>11 some medical documents if there was food service, make</p> <p>12 sure that they were cleared medically to work in that</p> <p>13 kind of area. I don't have the packet right in front</p> <p>14 of me.</p> <p>15 There's several forms, several documents that</p> <p>16 a person -- it has to originate with the detainee</p> <p>17 requesting to go to work, and then there's other</p> <p>18 documents for classification that they have to look at</p> <p>19 as well.</p> <p>20 Q Okay. Let's look at Component 7. It says,</p> <p>21 "Detainees who participate in the volunteer work</p> <p>22 program are required to work according to a fixed</p> <p>23 schedule that does not exceed 8 hours daily, 40 hours</p> <p>24 weekly."</p> <p>25 And Nakamoto found Stewart to be compliant on</p>	<p>Page 172</p> <p>1 RUSSELL WASHBURN</p> <p>2 this component, right?</p> <p>3 A Correct.</p> <p>4 Q And there are no remarks, correct?</p> <p>5 A That's correct.</p> <p>6 Q How does Nakamoto assess compliance with this</p> <p>7 component?</p> <p>8 A Looking at the actual work schedules, looking</p> <p>9 at the pay sheets for the detainees, and then, of</p> <p>10 course, through detainee interviews for those who are</p> <p>11 working on specific assignments. So whenever they</p> <p>12 come, they routinely do talk to the kitchen workers,</p> <p>13 the laundry workers, and those individuals that are in</p> <p>14 those prospective work areas. So through review of</p> <p>15 documents as well actual interviews with the</p> <p>16 population.</p> <p>17 Q Which documents would show how many hours per</p> <p>18 day detained workers are working?</p> <p>19 A There's a work schedule, I believe, that is</p> <p>20 put out, and they actually have their actual work hours</p> <p>21 and their schedule.</p> <p>22 Q So the schedule would show how many hours</p> <p>23 detained workers are scheduled to work, right?</p> <p>24 A Correct.</p> <p>25 Q Is there a document that would show how many</p>

<p>1 RUSSELL WASHBURN</p> <p>2 hours detained workers actually worked?</p> <p>3 A I don't know that we have a process for</p> <p>4 tracking. I don't know that we don't. I'd have to go</p> <p>5 back and actually look at that piece, but I'm not sure</p> <p>6 that we do have an actual sign-in/sign-out kind of a</p> <p>7 system.</p> <p>8 Q Is that something that you've ever looked at</p> <p>9 since you've been warden at Stewart, how many hours per</p> <p>10 day detained workers are working?</p> <p>11 A Not to say that I've looked at and measured</p> <p>12 to see if we had a component. I looked at the</p> <p>13 schedules to ensure that we're not scheduling those to</p> <p>14 work in excess of what the standard allows. And I will</p> <p>15 say more often than not, they're not working even close</p> <p>16 to these hours, for a variety of reasons. You know,</p> <p>17 prisons and detention centers are not always routine</p> <p>18 and can't always happen at the right time, but I would</p> <p>19 say more often than not, they're well below that 40</p> <p>20 hours per week.</p> <p>21 Q How do you know that?</p> <p>22 A Just simply being in the building and doing</p> <p>23 this for the last 26 years, there's no doubt in my mind</p> <p>24 that if they were, when I'm standing there at the chow</p> <p>25 hall or going into those locations, the population</p>	<p>Page 174</p> <p>1 RUSSELL WASHBURN</p> <p>2 would tell me if they were being required to do</p> <p>3 something that's outside the standards. They have</p> <p>4 grievance opportunities that they can file that they're</p> <p>5 being required to do things that's outside of the</p> <p>6 requirements of the standards. And all of these rules</p> <p>7 and regulations are clearly shown to the detainees.</p> <p>8 So, again, just my pure experience, the</p> <p>9 population would tell me if we were doing things</p> <p>10 outside the scope of the standard.</p> <p>11 Q Okay. But there's no documentation that</p> <p>12 you're aware of that would show how many hours per day</p> <p>13 detained workers are working, right?</p> <p>14 A I don't want to certify that there's not, not</p> <p>15 that I personally inspected, so -- I certainly will,</p> <p>16 but not that I'm -- not that I'm a hundred -- I can't</p> <p>17 say exclusively there's not.</p> <p>18 Q Okay. Let's look at Component 8. "Detainees</p> <p>19 shall receive monetary compensation for work completed</p> <p>20 in accordance with the facility's standard policy of at</p> <p>21 least \$1 per day."</p> <p>22 Nakamoto found that Stewart was in compliance</p> <p>23 with this, correct?</p> <p>24 A Yes, ma'am.</p> <p>25 Q And the notes say, "Detainees are compensated</p>
<p>Page 176</p> <p>1 RUSSELL WASHBURN</p> <p>2 \$1 to \$4 a day for their work. The pay rate is</p> <p>3 determined by the job assignment."</p> <p>4 How does Nakamoto assess whether detained</p> <p>5 workers are, in fact, compensated for their work?</p> <p>6 A Through the business office and they actually</p> <p>7 inspect payment records to ensure that the detainees</p> <p>8 are receiving their monies.</p> <p>9 Q Okay. And those payment records reflect</p> <p>10 money deposited on detained workers' accounts, correct?</p> <p>11 A That's correct.</p> <p>12 Q They do not reflect any payment made in the</p> <p>13 form of phone cards, correct?</p> <p>14 A No, it would not show that.</p> <p>15 Q And the payment records show who was paid,</p> <p>16 correct?</p> <p>17 A Yes. The payment records would show those</p> <p>18 who -- for the dollar amount that were physically</p> <p>19 applied with currency, yes.</p> <p>20 Q Does Nakamoto do anything to figure out if</p> <p>21 there were people who were not paid?</p> <p>22 A I don't know that -- no, not that I'm aware</p> <p>23 of. I mean, they have the -- who's approved to work</p> <p>24 and they have that list of individuals, and so they</p> <p>25 randomly select those individuals that are on those</p>	<p>Page 177</p> <p>1 RUSSELL WASHBURN</p> <p>2 approved work site schedules. To what degree they go</p> <p>3 and how many they look at, I don't know. It really</p> <p>4 kind of depends on the auditor, I would assume.</p> <p>5 Q They randomly select them to audit their</p> <p>6 detention files?</p> <p>7 A Yes.</p> <p>8 Q Okay, and their pay records?</p> <p>9 A Yes, they give us the -- "This is the ones</p> <p>10 that I want to look at."</p> <p>11 Q Okay. Do you remember about how many</p> <p>12 detained workers' files Nakamoto audits?</p> <p>13 A No, ma'am, because I'm not necessarily with</p> <p>14 each and every one of the auditors. My staff would be</p> <p>15 with them, so I don't know. And I don't know that</p> <p>16 there's a set expectation for them either. I'm not</p> <p>17 saying that there's not, but I'm just not aware if</p> <p>18 there is.</p> <p>19 Q Okay. Let's scroll through. I want you to</p> <p>20 take a look at the rest of this audit tool for</p> <p>21 Standard 5.8.</p> <p>22 A Are you wanting me to read the whole thing?</p> <p>23 Because it scrolled pretty fast.</p> <p>24 Q Yeah, we can scroll up if we need to.</p> <p>25 A That's good there.</p>

<p>1 RUSSELL WASHBURN</p> <p>2 Q Okay.</p> <p>3 A Okay.</p> <p>4 Q Is there a component in this audit tool --</p> <p>5 well, let's scroll down. I want to be sure you see the</p> <p>6 end of it.</p> <p>7 A Okay.</p> <p>8 Q Okay.</p> <p>9 A Okay.</p> <p>10 Q Is there a component in this audit tool that</p> <p>11 looks at whether detained people are threatened with</p> <p>12 discipline if they refuse to work?</p> <p>13 A Not that I read in the standard, no.</p> <p>14 Q And is there a component in this audit tool</p> <p>15 that looks at whether detained people work because they</p> <p>16 need money to buy food?</p> <p>17 MR. LEE: Object to form.</p> <p>18 THE WITNESS: No. But, again, we're not</p> <p>19 privy to the interviews, and so it very well</p> <p>20 could be a part of the actual in-person</p> <p>21 interviews that take place between the</p> <p>22 auditor and detainee. I'm not saying that it</p> <p>23 is, but it very well could be a component of</p> <p>24 that dialogue.</p> <p>25 Q (By Ms. Sandley) Okay, but Nakamoto is only</p>	<p>Page 178</p> <p>1 RUSSELL WASHBURN</p> <p>2 auditing for compliance or not with the components</p> <p>3 listed in this worksheet, right?</p> <p>4 MR. LEE: Object to form.</p> <p>5 THE WITNESS: They're auditing to the</p> <p>6 standard, and the standard clearly states</p> <p>7 that it's a voluntary work program.</p> <p>8 Q (By Ms. Sandley) Okay, but Nakamoto has</p> <p>9 broken down the standard into -- for its auditing</p> <p>10 purposes, into the components that we just looked at,</p> <p>11 right?</p> <p>12 MR. LEE: Form and foundation.</p> <p>13 THE WITNESS: As far as the actual</p> <p>14 indicators, yes, you're accurate in your</p> <p>15 statement.</p> <p>16 Q (By Ms. Sandley) Okay, and there's not an</p> <p>17 indicator that looks at whether detained people are</p> <p>18 working because they need money to buy food, right?</p> <p>19 A No. Not in the indicators, no.</p> <p>20 Q Okay. There's not an indicator that relates</p> <p>21 to how CoreCivic recruits workers, correct?</p> <p>22 A No.</p> <p>23 Q And there's not an indicator that looks at</p> <p>24 what types of jobs detained workers are doing, correct?</p> <p>25 MR. LEE: Objection to form.</p>
<p>1 RUSSELL WASHBURN</p> <p>2 THE WITNESS: No.</p> <p>3 Q (By Ms. Sandley) And there's not an</p> <p>4 indicator that looks at how many detained workers are</p> <p>5 being used at Stewart, right?</p> <p>6 MR. LEE: Object to form.</p> <p>7 THE WITNESS: No.</p> <p>8 MS. SANDLEY: Okay. All right, Warden,</p> <p>9 I have a few more audit questions for you.</p> <p>10 We can keep going with audits and break after</p> <p>11 that. Are you good with that?</p> <p>12 THE WITNESS: I'm good, yes, ma'am.</p> <p>13 MS. SANDLEY: Okay, let's take this</p> <p>14 exhibit down.</p> <p>15 Q (By Ms. Sandley) Stewart is also audited and</p> <p>16 accredited by the American Correctional Association,</p> <p>17 right?</p> <p>18 A Yes, ma'am.</p> <p>19 Q And how often does ACA assess accreditation</p> <p>20 for Stewart?</p> <p>21 A Every three years.</p> <p>22 Q Okay. And is ACA's audit and accreditation</p> <p>23 process significantly different from the ODO and the</p> <p>24 Nakamoto audits?</p> <p>25 A They audit to standards that are national</p>	<p>Page 180</p> <p>1 RUSSELL WASHBURN</p> <p>2 standards, national detention standards, you know, for</p> <p>3 detention facilities across -- so there's some</p> <p>4 differences, but, of course, many of the actual</p> <p>5 individual standards are supported by policy or by</p> <p>6 PBNDS standards to prove the standard, along with any</p> <p>7 documentation that would be necessary to demonstrate</p> <p>8 compliance with.</p> <p>9 And, of course, those files -- I guess the</p> <p>10 biggest difference is they're auditing over a</p> <p>11 three-year period, where ODO or Nakamoto would be</p> <p>12 auditing from the date of the end of their previous</p> <p>13 review. So it's significantly -- so there's a</p> <p>14 significant higher amount of documents and time that</p> <p>15 they're evaluating versus the ODO, Nakamoto, and others</p> <p>16 that would be doing either annual, semiannual, or in</p> <p>17 some cases quarterly reviews.</p> <p>18 Q Okay. And you said ACA audits to standards.</p> <p>19 That's a different set of standards than the PBNDS,</p> <p>20 correct?</p> <p>21 A Yes, ma'am. There are national standards</p> <p>22 that have been built for detention centers and</p> <p>23 facilities.</p> <p>24 Q Okay. The ACA standards that apply to</p> <p>25 Stewart, are they -- do they also apply to jails?</p>

<p>1 RUSSELL WASHBURN</p> <p>2 A Some could. Not to say that they all would.</p> <p>3 Some may be nonapplicable in those locations, just as</p> <p>4 there's not applicable standards that to apply to</p> <p>5 Stewart, you know, so the audit committee -- I mean, of</p> <p>6 course, the facility looks at that and determines</p> <p>7 whether or not they believe it to be applicable versus</p> <p>8 nonapplicable. But during the audit process, the ACA</p> <p>9 auditors could deem a file that we've said "Hey, it's</p> <p>10 not applicable" to be applicable or vice versa.</p> <p>11 So they are the final authority as to whether</p> <p>12 or not it should be classified as applicable versus</p> <p>13 nonapplicable or mandatory standard versus a</p> <p>14 nonmandatory standard. I'm probably hurting your brain</p> <p>15 with all that, but that --</p> <p>16 Q That's all right. Let me see if we can break</p> <p>17 it down.</p> <p>18 So the ACA standards that ACA uses to</p> <p>19 accredit Stewart are not necessarily tailored to</p> <p>20 immigration detention centers, right?</p> <p>21 MR. LEE: Foundation.</p> <p>22 THE WITNESS: No, the actual standard is</p> <p>23 not, but the documents to prove the standard</p> <p>24 or compliance to the standard would come from</p> <p>25 ICE standards or policies that have been</p>	<p>Page 182</p> <p>1 RUSSELL WASHBURN</p> <p>2 approved through ICE that are applicable to</p> <p>3 Stewart.</p> <p>4 Q (By Ms. Sandley) Okay, and then there's some</p> <p>5 flexibility during the accreditation process for</p> <p>6 determining whether or not a particular standard</p> <p>7 applies at Stewart; is that correct?</p> <p>8 A That's correct, but the final authority rests</p> <p>9 not with the facility or with me. It rests with ACA.</p> <p>10 Q Okay. And when ACA finds that Stewart is not</p> <p>11 in compliance with one of its standards, is there a</p> <p>12 corrective action process?</p> <p>13 A There is. Part of that is that myself, as</p> <p>14 well as the QA manager, we would actually have to</p> <p>15 attend a panel hearing of ACA-trained individuals that</p> <p>16 are not a part of the audit. They reviewed the audit</p> <p>17 and they reviewed whatever those standards that were</p> <p>18 found to be noncompliant, and those can only be a</p> <p>19 nonmandatory standard. You can't be ACA-accredited and</p> <p>20 have a mandatory standard that you weren't compliant</p> <p>21 with. That will stop the process right there.</p> <p>22 So we're only talking about those standards</p> <p>23 that ACA has defined as nonmandatory. And so we go</p> <p>24 through that process. I would then submit either -- a</p> <p>25 rebuttal, if we disagreed with the finding, and give</p>
<p>Page 184</p> <p>1 RUSSELL WASHBURN</p> <p>2 that committee the reason for the rebuttal. They would</p> <p>3 then evaluate whether or not they would accept that</p> <p>4 rebuttal, apply a waiver, or accept the corrective</p> <p>5 action plan that we have prepared for that particular</p> <p>6 standard.</p> <p>7 So there are several ways that that can come</p> <p>8 about. Or the committee can look at it and say that</p> <p>9 the auditing committee was off base and they were wrong</p> <p>10 and it's not noncompliant, it's compliant, based on the</p> <p>11 information that they have, so...</p> <p>12 Q Okay. About how much notice do you get for</p> <p>13 ACA audits?</p> <p>14 A ACA is a little longer. I would say -- we</p> <p>15 know a roundabout time frame just from our previous</p> <p>16 audit, but the actual -- the week they're going to be</p> <p>17 here, I would say we probably know about three or four</p> <p>18 months, maybe five months before they're physically</p> <p>19 going to be on site. But, again, we pretty much know</p> <p>20 the standard time that our audit is going to fall just</p> <p>21 because that's the cycle of ACA.</p> <p>22 Q Okay.</p> <p>23 MS. SANDLEY: Let's look at Exhibit 17,</p> <p>24 CCBVA150628.</p> <p>25 (Exhibit 17 marked for identification.)</p>	<p>Page 185</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q (By Ms. Sandley) And while we're pulling</p> <p>3 this up, was Stewart re-accredited by ACA this year?</p> <p>4 A Last.</p> <p>5 Q Last year.</p> <p>6 A Time flies. It had to be last year because I</p> <p>7 just got here last year. So, yes, last year.</p> <p>8 Q You've had an ACA audit under your tenure at</p> <p>9 Stewart?</p> <p>10 A Yes, ma'am. Yes, ma'am.</p> <p>11 Q Okay. And this is an ACA accreditation</p> <p>12 report, correct?</p> <p>13 A Yes, ma'am.</p> <p>14 Q Let's scroll down a little bit so we can see</p> <p>15 the date. I think it's on the next page.</p> <p>16 A 2018.</p> <p>17 Q Yeah. And let's go to page 47.</p> <p>18 Okay. Do you see where it says "Standard</p> <p>19 5C-07"?</p> <p>20 A Yes, ma'am.</p> <p>21 Q And that's referring to one of those ACA</p> <p>22 standards, correct?</p> <p>23 A That's correct.</p> <p>24 Q And it says, "The facility can require all</p> <p>25 sentenced inmates to work if they are not assigned to</p>

<p style="text-align: right;">Page 186</p> <p>1 RUSSELL WASHBURN</p> <p>2 programs," right?</p> <p>3 A That's correct.</p> <p>4 Q Okay. And that's a standard that applies in</p> <p>5 criminal punishment facilities, correct?</p> <p>6 A That's correct.</p> <p>7 Q Okay. CoreCivic is not permitted to require</p> <p>8 people detained at Stewart to work?</p> <p>9 A Correct, as it states there in the findings.</p> <p>10 Q Yeah, okay. How did ACA determine that</p> <p>11 detained people at Stewart are not required to work?</p> <p>12 A They would have reviewed the -- of course,</p> <p>13 the standards, the 5.8 standards, as well as any</p> <p>14 policies associated with -- you know, and our work</p> <p>15 program. I mean, it's a voluntary work program, so</p> <p>16 they would have visited and looked at, and they also</p> <p>17 interview staff and detainees alike.</p> <p>18 Q Okay. And this finding says, "The detainees</p> <p>19 are not required to participate in a mandatory work</p> <p>20 program per CoreCivic's contract with ICE and PBNDs</p> <p>21 standards," correct?</p> <p>22 A Yes, ma'am.</p> <p>23 Q And it doesn't mention that that finding was</p> <p>24 based on any interviews with detained people, right?</p> <p>25 A It does not in the standard, no.</p>	<p style="text-align: right;">Page 187</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q Okay.</p> <p>3 MS. SANDLEY: Okay, let's take this</p> <p>4 exhibit down.</p> <p>5 Q (By Ms. Sandley) I know you talked some with</p> <p>6 Mr. Howard about CoreCivic's internal quality assurance</p> <p>7 process. I want to ask you a little bit more about</p> <p>8 that. Does the FSC audit Stewart?</p> <p>9 A Yes, ma'am.</p> <p>10 Q How often do they audit?</p> <p>11 A At least annually.</p> <p>12 Q Okay. And who does those audits?</p> <p>13 A It's the -- we actually have designated audit</p> <p>14 teams. That's their exclusive job role, is to conduct</p> <p>15 unannounced audits at all of our sites annually.</p> <p>16 Q Okay. Are there specific people at FSC who</p> <p>17 are assigned to audit Stewart?</p> <p>18 A Well, I mean, it's the same -- I think</p> <p>19 there's ten people total. It's usually five-member</p> <p>20 teams. There's team leads, and the two teams pretty</p> <p>21 much stay together. Sometimes they'll intermix if</p> <p>22 somebody is on leave or whatever; but for the most</p> <p>23 part, those teams stay together. And they go through</p> <p>24 training there at FSC on various contracts and those</p> <p>25 types of things as well.</p>
<p style="text-align: right;">Page 188</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q Okay. And then does Stewart -- is it</p> <p>3 typically the same team of five people who come to</p> <p>4 Stewart year after year?</p> <p>5 A More often than not. You may have the</p> <p>6 one-off change, like I said, if somebody is on vacation</p> <p>7 or ill or whatever and they have to take somebody from</p> <p>8 the other team, whether it's for safety or whether it's</p> <p>9 for the team lead or security. But more often than not</p> <p>10 it's pretty much, traditionally, the same people.</p> <p>11 Q Okay. When FSC audits Stewart, is it</p> <p>12 auditing for compliance with certain standards?</p> <p>13 A Yes.</p> <p>14 Q Which standards?</p> <p>15 A It's more customer-based, so a lot of it's</p> <p>16 PBNDs standards. If you look at our policies, and I</p> <p>17 know you've seen them, you see there's a lot of</p> <p>18 reference to PBNDs standards -- it's not specific to</p> <p>19 Stewart -- they're auditing us to those standards.</p> <p>20 Q Does FSC also audit for compliance with</p> <p>21 CoreCivic standards?</p> <p>22 A Yes. Yeah, because all of our --</p> <p>23 essentially our HR components, for example, are going</p> <p>24 to be -- for hiring practices and vacation time, that's</p> <p>25 going to be 100 percent exclusive -- specific to</p>	<p style="text-align: right;">Page 189</p> <p>1 RUSSELL WASHBURN</p> <p>2 CoreCivic. But, yes, they would be auditing to</p> <p>3 CoreCivic policy and ICE standards, ACA. They're also</p> <p>4 going to look at ACA files while they're here to make</p> <p>5 sure that we're moving -- keeping/maintaining</p> <p>6 compliance consistently and not just waiting until the</p> <p>7 third year to try to get everything put together. So</p> <p>8 they look at a lot of things while they're here.</p> <p>9 Q So FSC comes on site to Stewart during the</p> <p>10 course of their audit?</p> <p>11 A Yes, ma'am.</p> <p>12 Q And do they review documents on site?</p> <p>13 A A lot of them, yes, ma'am.</p> <p>14 Q Do they review documents beforehand?</p> <p>15 A I'm sure they -- yeah, in fact, I know they</p> <p>16 do because some of them are computer documents that</p> <p>17 they have access to specifically, to, like, HR</p> <p>18 documents, medical, looking in our medical --</p> <p>19 electronic medical records. I'll get it out. So some</p> <p>20 of those reviews are done prior to their arrival.</p> <p>21 Q Okay. Do they interview staff?</p> <p>22 A They do.</p> <p>23 Q Do they interview detained people?</p> <p>24 A They do.</p> <p>25 Q About how much notice do you get of FSC</p>

<p>1 RUSSELL WASHBURN</p> <p>2 audits?</p> <p>3 A When they show up on my doorstep.</p> <p>4 Q Okay. So no advanced notice?</p> <p>5 A No. I mean, we -- they do tell us, like,</p> <p>6 what half of the year, but that's all you'll really</p> <p>7 know. Other than that, they show up on a Monday</p> <p>8 morning or a Tuesday morning and "Surprise, we're here"</p> <p>9 and it's time to do the audit.</p> <p>10 Q And is there a corrective action plan process</p> <p>11 for FSC audits?</p> <p>12 A Yes, ma'am, and it's really exactly the same</p> <p>13 minus we don't send it to the partner.</p> <p>14 Q Okay. Does FSC conduct a re-audit to</p> <p>15 evaluate that the corrective action plan has been</p> <p>16 implemented?</p> <p>17 A No, not unless there's an absolute need to do</p> <p>18 so, but typically not. What they're going to be</p> <p>19 looking at, obviously, from year to year -- repeat</p> <p>20 findings are not something that is, I'll say,</p> <p>21 desirable.</p> <p>22 MS. SANDLEY: Okay. Let's look at</p> <p>23 Exhibit 18, CCBVA274977.</p> <p>24 (Exhibit 18 marked for identification.)</p> <p>25 Q (By Ms. Sandley) Okay, and is this an</p>	<p>Page 190</p> <p>1 RUSSELL WASHBURN</p> <p>2 example of the audit tool that the FSC uses for its</p> <p>3 audits at Stewart?</p> <p>4 A Back then, yes, ma'am.</p> <p>5 Q Okay. I know this is before your time at</p> <p>6 Stewart, but you were a warden in 2013, right?</p> <p>7 A Yes, ma'am.</p> <p>8 Q Okay. And there were, I assume, FSC audits</p> <p>9 at your facility too, correct?</p> <p>10 A Yes, ma'am.</p> <p>11 Q Okay.</p> <p>12 A Yeah, I'm very familiar with the document.</p> <p>13 It's not what's in existence today. It's pretty old.</p> <p>14 Q Understood.</p> <p>15 Let's look at page 157.</p> <p>16 Okay, and this is the "Food Service" section</p> <p>17 of this audit tool, correct?</p> <p>18 A Yes, ma'am.</p> <p>19 Q All right. So under the first indicator, it</p> <p>20 says, "Review the LEAP spreadsheet." What's the LEAP</p> <p>21 spreadsheet?</p> <p>22 A I'm sorry, where are you -- oh, I see it.</p> <p>23 "Review the LEAP spreadsheet." I'm not sure what that</p> <p>24 acronym stands for. I'm sure it's some food service</p> <p>25 form, but I'm not sure what that is.</p>
<p>1 RUSSELL WASHBURN</p> <p>2 Q And this is to evaluate inmate work</p> <p>3 attendance?</p> <p>4 A Yes. "Review the LEAP spreadsheet." Again,</p> <p>5 I'm sure it's some kind of sign-in/sign-out tracking</p> <p>6 document that they would have had back then. But,</p> <p>7 again, that's pure speculation. I'd have to go back</p> <p>8 and look and see what that LEAP stands for.</p> <p>9 Q Does the FSC audit tool still include an</p> <p>10 indicator for inmate work attendance?</p> <p>11 A I think it does, but I'd have to go back and</p> <p>12 look. I believe -- and I'm not sure about attendance.</p> <p>13 I know it's got some things about work programs, things</p> <p>14 of that nature. But many of those, you know,</p> <p>15 specifically around requirements, would be N/A for us.</p> <p>16 Q And this says, "If the average is over 15</p> <p>17 percent, ask to see documentation to CCA pertaining to</p> <p>18 this subject," and then it gives some examples. It</p> <p>19 says, "Ask to see DR." Is a DR a disciplinary report?</p> <p>20 A It would be, yes.</p> <p>21 Q Okay. And then it says, "If no</p> <p>22 communication, results in NP." What does NP stand for?</p> <p>23 A I'm not sure.</p> <p>24 Q Okay. The choices in the "Answer" column</p> <p>25 here, there's five, right? Can you tell me what each</p>	<p>Page 192</p> <p>1 RUSSELL WASHBURN</p> <p>2 of those --</p> <p>3 A Yeah. Satisfactory, Needs Improvement,</p> <p>4 Nonperforming, N/A is Nonapplicable, and NSD is -- I'm</p> <p>5 not sure what NSD is.</p> <p>6 Q Okay.</p> <p>7 A Not scored, maybe, deficient. I don't know.</p> <p>8 I'm guessing there, so...</p> <p>9 Q Okay. So according to this audit tool, if</p> <p>10 there's no documentation of communication relating to</p> <p>11 an inmate absentee rate exceeding 15 percent, a</p> <p>12 facility can be found nonperforming; is that correct?</p> <p>13 A Or needs improvement.</p> <p>14 Q Needs improvement?</p> <p>15 A Yeah, there's a needs improvement or</p> <p>16 nonperforming. Now, if they never did it, if this</p> <p>17 standard is applicable -- and, again, this is just --</p> <p>18 it looks like the generic form. I'm not sure how, in</p> <p>19 2013, they scored Stewart specific. It very well could</p> <p>20 be an N/A.</p> <p>21 Q Okay. And it says here, "If no</p> <p>22 communication, results in NP."</p> <p>23 A Yeah, and I'm not sure what that NP</p> <p>24 references.</p> <p>25 Q Okay. Could it be the NP in the "Answer"</p>

<p>1 RUSSELL WASHBURN</p> <p>2 column?</p> <p>3 A It could be, yes, again, if this standard is</p> <p>4 applicable.</p> <p>5 Q The next one is -- did you review any of</p> <p>6 these FSC audits in preparing for this deposition</p> <p>7 today?</p> <p>8 A I looked briefly over the FSC ones. I spent</p> <p>9 more time on the partner, ODO, Nakamoto. I did scan</p> <p>10 through briefly, yes.</p> <p>11 Q Okay. So looking at the next indicator,</p> <p>12 "Inmate work schedule," this only relates to kitchen</p> <p>13 worker schedules, right?</p> <p>14 A Yes.</p> <p>15 Q Okay. Does the FSC still look at kitchen</p> <p>16 worker schedules?</p> <p>17 A Yes. At applicable facilities, yes, they</p> <p>18 would.</p> <p>19 Q Do they look at the kitchen worker schedules</p> <p>20 at Stewart?</p> <p>21 A I think they look at schedules just to make</p> <p>22 sure we have them to make sure that, again, it's</p> <p>23 consistent with what's allowable in the standard, the</p> <p>24 PBNSD standard.</p> <p>25 Q Okay. Let's look at page 158.</p>	<p>Page 194</p> <p>1 RUSSELL WASHBURN</p> <p>2 Okay, so we're still in the food section, and</p> <p>3 I'm looking at Indicator 08-A-09. It says, "Production</p> <p>4 records contain completed pre-meal taste assessment."</p> <p>5 What are production records?</p> <p>6 A It's the -- contain pre-meal -- "production</p> <p>7 records contain." So we're required -- leadership is</p> <p>8 required to conduct meal samples and tests and check</p> <p>9 temperatures and things of that nature prior to the --</p> <p>10 every meal going out, so -- and when I'm the</p> <p>11 administrative duty officer, and we rotate week to</p> <p>12 week, I'm also required to do a minimum of two of those</p> <p>13 meal monitoring forms in addition to.</p> <p>14 Q Okay.</p> <p>15 A So we actually write what's on the menu, we</p> <p>16 verify the amount that the dietitian has said that that</p> <p>17 person should receive is what is actually being</p> <p>18 provided, and then we test the quality, as well as</p> <p>19 temperature, to ensure that the temperature regulations</p> <p>20 are in compliance.</p> <p>21 Q So when you read production records here, do</p> <p>22 you mean that to mean meal monitoring forms?</p> <p>23 A Yes, ma'am.</p> <p>24 Q Okay. We're going to go to page 171 of this</p> <p>25 document.</p>
<p>1 RUSSELL WASHBURN</p> <p>2 Okay, and we're going to look at Item 1371,</p> <p>3 so let's scroll down.</p> <p>4 Q Do you see where it says, "Annual</p> <p>5 warden review of work/program assignment plan"?</p> <p>6 A Yes, ma'am.</p> <p>7 Q Is there a work/program assignment plan at</p> <p>8 Stewart?</p> <p>9 A There is.</p> <p>10 Q Okay. And do you review it annually?</p> <p>11 A I do.</p> <p>12 Q How does FSC evaluate whether you reviewed</p> <p>13 the work/program assignment plan?</p> <p>14 A It would be through this process here.</p> <p>15 Q How does FSC know whether you reviewed it or</p> <p>16 not?</p> <p>17 A I'm required to document and sign that I've</p> <p>18 completed it and update that document each year.</p> <p>19 Q Okay. So there should be a version of the</p> <p>20 work program plan for every year that the work program</p> <p>21 has existed?</p> <p>22 A There should be, yes, ma'am.</p> <p>23 Q Okay. Let's look at the next page. Looking</p> <p>24 at Item 1374, "Work programs limitations for high</p> <p>25 custody," it says, "ICAS high custody inmates" -- what</p>	<p>Page 196</p> <p>1 RUSSELL WASHBURN</p> <p>2 does ICAS stand for?</p> <p>3 A Inmate classification -- it's classification</p> <p>4 system. I don't remember what the A is. Inmate</p> <p>5 classification assignment system maybe. I'm not a</p> <p>6 hundred percent, but it's our classification system.</p> <p>7 Q Okay. And going down to Item 1376,</p> <p>8 "Appropriate inmate work/program assignments," and it</p> <p>9 says, "Inmates are appropriately assigned work/program</p> <p>10 assignments according to Categories 1, 2, and 3."</p> <p>11 How does FSC evaluate compliance with this</p> <p>12 indicator?</p> <p>13 A Looking at classification. They would just</p> <p>14 look at those who are cleared to work in what areas as</p> <p>15 far as their schedules and who's assigned. And then</p> <p>16 they would look at the ICAS, which is the</p> <p>17 classification system, the classification report that's</p> <p>18 maintained in the detention file, to confirm that that</p> <p>19 person is, one, appropriately classified and then, two,</p> <p>20 appropriately working in the area in which the 18-2CC</p> <p>21 authorizes.</p> <p>22 Q Okay. So FSC looks at classification</p> <p>23 records?</p> <p>24 A Yes, ma'am.</p> <p>25 Q And are classification records at Stewart</p>

<p>1 RUSSELL WASHBURN</p> <p>2 maintained by the classification supervisor?</p> <p>3 A Correct. They're in the detention file.</p> <p>4 Q Okay. And the classification supervisor is</p> <p>5 responsible for maintaining detention files at Stewart,</p> <p>6 right?</p> <p>7 A Yes, ma'am.</p> <p>8 Q Okay. Let's go back to page 1 and look at</p> <p>9 the table of contents. And I know you said earlier</p> <p>10 you're generally familiar with this audit tool from</p> <p>11 years of doing audits at CoreCivic. If there were</p> <p>12 going to be other indicators relating to the work</p> <p>13 program at Stewart, which section would they be in?</p> <p>14 MR. LEE: Object to form.</p> <p>15 THE WITNESS: The only place it really</p> <p>16 would fit would be 9 and 10, Classification</p> <p>17 Unit Management and/or Inmate Programs and</p> <p>18 Services.</p> <p>19 MS. SANDLEY: Okay.</p> <p>20 Q (By Ms. Sandley) Let's jump back to page</p> <p>21 171. And I want to scroll through 9 and 10, and I want</p> <p>22 you to tell me if you see an indicator relating to the</p> <p>23 work program that we haven't already talked about.</p> <p>24 A No.</p> <p>25 Q Let's keep scrolling.</p>	<p>1 RUSSELL WASHBURN</p> <p>2 A No. 1376, "Appropriate inmate</p> <p>3 work/program" -- [indiscernible] talking about. I'm</p> <p>4 sorry.</p> <p>5 Q That's okay.</p> <p>6 A So no other ones we haven't talked about.</p> <p>7 Q Okay, let's scroll down.</p> <p>8 Any here?</p> <p>9 A No, ma'am. I'm sorry.</p> <p>10 Q It's okay. Let's keep scrolling. I think</p> <p>11 the programs...</p> <p>12 A I do not see any there.</p> <p>13 Okay. No, nothing there.</p> <p>14 Q All right. We don't need to keep scrolling,</p> <p>15 but I want to ask you this: When FSC does its facility</p> <p>16 audits, it uses this audit tool or an audit tool like</p> <p>17 it to conduct those audits, right?</p> <p>18 A That's correct.</p> <p>19 Q And this audit tool reflects all of the</p> <p>20 compliance indicators that FSC is looking at in the</p> <p>21 course of the audit, correct?</p> <p>22 A That is correct.</p> <p>23 MR. LEE: Object to form.</p> <p>24 THE WITNESS: Sorry.</p> <p>25 MS. SANDLEY: Let's take this exhibit</p>
<p>1 RUSSELL WASHBURN</p> <p>2 down.</p> <p>3 Q (By Ms. Sandley) Besides the yearly FSC</p> <p>4 audits, are there any other quality assurance</p> <p>5 mechanisms in place at Stewart?</p> <p>6 A From an outside, like FSC coming, or</p> <p>7 internal?</p> <p>8 Q Internal.</p> <p>9 A Yeah, internal, I mean, we do self audits and</p> <p>10 self evaluation on a regular basis. The quality</p> <p>11 assurance manager assists with that process to make</p> <p>12 sure that we're in compliance with, you know, all the</p> <p>13 standards, whether ODO, Nakamoto, CoreCivic audits,</p> <p>14 whatever audit is coming. So we do internal reviews on</p> <p>15 a continual basis.</p> <p>16 Q Are there audit tools for the self audits?</p> <p>17 A No. Typically, we use the instruments to</p> <p>18 measure. You know, the [indiscernible] we just looked</p> <p>19 at, we would use those because those are the guiding</p> <p>20 instruments that we're going to be measured on.</p> <p>21 Q Okay. So when Stewart conducts a self audit,</p> <p>22 it uses the FSC audit tool to do that self audit?</p> <p>23 A Yes. I mean, we have like a monthly security</p> <p>24 audit that goes -- that's a little bit different, but a</p> <p>25 lot of the same indicators or standards are applied to</p>	<p>1 RUSSELL WASHBURN</p> <p>2 that as well. So there's quite a few internal review</p> <p>3 processes, I guess I should say.</p> <p>4 Q Okay.</p> <p>5 MS. SANDLEY: All right, we're done with</p> <p>6 audits, or at least I am. Let's take a</p> <p>7 break. I know we're well past lunch time for</p> <p>8 you, Warden. Do you want a little bit longer</p> <p>9 break?</p> <p>10 THE WITNESS: I'm good if the group's</p> <p>11 good.</p> <p>12 (Discussion off the record.)</p> <p>13 (Lunch recess taken.)</p> <p>14 MR. LEE: CJ, real quick before you jump</p> <p>15 back into your questioning. I did just want</p> <p>16 to state for the record, regarding the issue</p> <p>17 of the Securus contract, we did object to</p> <p>18 Topic 7 in Rachel Love's April 12th and May</p> <p>19 10th letters, including that the inmate</p> <p>20 telephone services contract is not relevant</p> <p>21 and that the rates are irrelevant, as is</p> <p>22 testimony as to how the rates were</p> <p>23 determined.</p> <p>24 I know the parties then agreed, as</p> <p>25 memorialized in the May 28th letter from</p>

<p style="text-align: right;">Page 202</p> <p>1 RUSSELL WASHBURN</p> <p>2 Ms. Love, to wait until we got an order on</p> <p>3 the motion to compel to discuss it further.</p> <p>4 But the emails dated September 16th and</p> <p>5 September 21st of 2021, while they addressed</p> <p>6 Topic 7, they didn't specifically discuss the</p> <p>7 Securus contract again. So I just wanted to</p> <p>8 make clear for the record we did object to</p> <p>9 that topic and specifically to that</p> <p>10 contract.</p> <p>11 MS. SANDLEY: Okay. Well, we kept that</p> <p>12 topic in the notice, including the fourth</p> <p>13 revised notice, and didn't hear again from</p> <p>14 you-all after the motion to compel was</p> <p>15 granted, so...</p> <p>16 MR. LEE: It was the same topic that had</p> <p>17 been in there before, so it's our position</p> <p>18 that the objections had been made.</p> <p>19 MS. SANDLEY: All right. Understood.</p> <p>20 Q (By Ms. Sandley) Warden Washburn, you</p> <p>21 understand you're still under oath, right?</p> <p>22 A Yes, ma'am.</p> <p>23 Q Okay. You're familiar with PBNDS</p> <p>24 Section 5.8, correct?</p> <p>25 A Yes, ma'am.</p>	<p style="text-align: right;">Page 203</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q That's the voluntary work program section?</p> <p>3 A Yes, ma'am.</p> <p>4 Q Okay. Let's pull it up. It's going to be</p> <p>5 Exhibit 19, and it's CCBVA3317.</p> <p>6 (Exhibit 19 marked for identification.)</p> <p>7 Q (By Ms. Sandley) While we're pulling that</p> <p>8 up, Warden, do you agree that PBNDS requires the work</p> <p>9 program at Stewart to be voluntary?</p> <p>10 A Yes.</p> <p>11 Q Scroll down so you can see the top of this</p> <p>12 document.</p> <p>13 Okay. This is the PBNDS 2011 version,</p> <p>14 correct, Warden?</p> <p>15 A Yes, ma'am.</p> <p>16 Q Okay. Let's go to PDF page 385. This is the</p> <p>17 voluntary work program section?</p> <p>18 A Yes.</p> <p>19 Q Okay. And do you agree that this section</p> <p>20 applies to Stewart?</p> <p>21 A Yes.</p> <p>22 Q And are all CoreCivic staff at Stewart</p> <p>23 expected to comply with this?</p> <p>24 A Yes.</p> <p>25 Q Okay. I want to look at Section V(H), or</p>
<p style="text-align: right;">Page 204</p> <p>1 RUSSELL WASHBURN</p> <p>2 5(H).</p> <p>3 Okay. You see where it says, "Unexcused</p> <p>4 absences from work or unsatisfactory work performance</p> <p>5 may result in removal from the voluntary work program"?</p> <p>6 A Yes, ma'am, I do.</p> <p>7 Q All right. According to CoreCivic's</p> <p>8 understanding, how many unexcused absences can result</p> <p>9 in -- could result in removal from the work program?</p> <p>10 A I don't know that we have an established</p> <p>11 number per se. I mean, the way the standard -- I mean,</p> <p>12 obviously, any unexcused absence could be interpreted</p> <p>13 here. I mean, that's not our position. We have not,</p> <p>14 to my knowledge, removed anyone for missing a day or</p> <p>15 two. It would be those that would be really considered</p> <p>16 to be excessive.</p> <p>17 Q So it's in CoreCivic's discretion to</p> <p>18 determine how many unexcused absences justify removal</p> <p>19 from the work program?</p> <p>20 A Yes, ma'am.</p> <p>21 Q And it's in CoreCivic's discretion to</p> <p>22 determine what an unexcused absence is?</p> <p>23 A That's correct.</p> <p>24 Q Okay. If a detainee is removed from the work</p> <p>25 program, is that documented?</p>	<p style="text-align: right;">Page 205</p> <p>1 RUSSELL WASHBURN</p> <p>2 A Yes.</p> <p>3 Q How is it documented?</p> <p>4 A There's a form that they have to actually</p> <p>5 fill out, and I believe it's placed in the detention</p> <p>6 file, I believe.</p> <p>7 Q So there's a specific form for removing</p> <p>8 someone from the work program?</p> <p>9 A I believe so, yes.</p> <p>10 Q Do you know how long that form has existed?</p> <p>11 A I don't.</p> <p>12 Q Do you know if it's existed the entire period</p> <p>13 of this -- that applies to this case?</p> <p>14 A I don't.</p> <p>15 Q Could someone's removal from the work program</p> <p>16 be documented on a different form?</p> <p>17 A Not that I'm aware of.</p> <p>18 Q Okay. Let's look at 5(I). Do you see where</p> <p>19 it says, "In SPCs, CDFs, and dedicated IGSAAs, a</p> <p>20 detainee may participate in only one work detail per</p> <p>21 day"?</p> <p>22 A Yes, I do see it.</p> <p>23 Q Stewart's a dedicated IGSA, correct?</p> <p>24 A That's correct.</p> <p>25 Q Okay. So according to the PBNDS, people in</p>

<p style="text-align: right;">Page 206</p> <p>1 RUSSELL WASHBURN</p> <p>2 the work program can only participate in one work</p> <p>3 detail per day?</p> <p>4 A Correct.</p> <p>5 Q Do you agree that it would be a violation of</p> <p>6 the PBNDS for people in the work program to participate</p> <p>7 in more than one work detail in a day?</p> <p>8 A Yes, based on the standard.</p> <p>9 Q Let's go down to "Compensation," K. You</p> <p>10 talked about this a little bit with Mr. Howard. PBNDS</p> <p>11 sets a compensation floor for the work program, right?</p> <p>12 A Correct. It's \$1.</p> <p>13 Q One dollar. And CoreCivic has the discretion</p> <p>14 to pay more than \$1, correct?</p> <p>15 A Correct. But as far as the per diem</p> <p>16 reimbursed, it would be just for that \$1.</p> <p>17 Q Can you explain what you mean by that?</p> <p>18 A Meaning by the standard, anything -- the only</p> <p>19 thing that could potentially be captured in the per</p> <p>20 diem rate would be that \$1. So if CoreCivic elects to</p> <p>21 pay greater than the \$1, that's that at CoreCivic's</p> <p>22 expense.</p> <p>23 Q How is the work program compensation factored</p> <p>24 into the per diem rate?</p> <p>25 A It would be considered during the negotiation</p>	<p style="text-align: right;">Page 207</p> <p>1 RUSSELL WASHBURN</p> <p>2 phase as part of a payment requirement. We would use</p> <p>3 that \$1 as that assessment.</p> <p>4 Q Do you know if the work program pay at</p> <p>5 Stewart was factored into the per diem rate?</p> <p>6 A Again, I wasn't part of the initial</p> <p>7 negotiations. I will say historically those things are</p> <p>8 factored in, when we know about them, during the</p> <p>9 negotiation period.</p> <p>10 Q Do you know if the work program pay is</p> <p>11 currently factored into the per diem rate?</p> <p>12 A Again, not being here during the initial</p> <p>13 negotiations, I can't say. But if it was factored in</p> <p>14 at the beginning, then yes, it would be there today.</p> <p>15 Q If the per diem -- if the -- if detained</p> <p>16 worker pay was factored into the per diem rate, would</p> <p>17 that be documented somewhere?</p> <p>18 A Again --</p> <p>19 MR. LEE: Objection. Exceeds the</p> <p>20 scope.</p> <p>21 THE WITNESS: Yeah, I'm not sure whether</p> <p>22 it would or would not or whether we would</p> <p>23 just have had the knowledge of the standard</p> <p>24 requirement when we were exploring and</p> <p>25 putting together the bid.</p>
<p style="text-align: right;">Page 208</p> <p>1 RUSSELL WASHBURN</p> <p>2 MS. SANDLEY: Okay.</p> <p>3 Q (By Ms. Sandley) So it's possible that</p> <p>4 CoreCivic took that into account but didn't indicate</p> <p>5 whether or not its bid to ICE factored in detained</p> <p>6 worker pay?</p> <p>7 MR. LEE: Object to form. Exceeds the</p> <p>8 scope.</p> <p>9 THE WITNESS: It could. And, again, I</p> <p>10 don't even know whether or not this was in</p> <p>11 the standard in 2006 or '7, whenever the</p> <p>12 negotiations were in place.</p> <p>13 MS. SANDLEY: Okay.</p> <p>14 Q (By Ms. Sandley) When CoreCivic -- let me</p> <p>15 back up.</p> <p>16 CoreCivic submits monthly billing statements,</p> <p>17 correct?</p> <p>18 A Yes, we do.</p> <p>19 Q Those monthly billing statements don't</p> <p>20 include a line item for detained worker pay, correct?</p> <p>21 A It does not.</p> <p>22 Q Does CoreCivic at any point report to ICE how</p> <p>23 much it's paying detained workers?</p> <p>24 A I don't know if we report. You know, you</p> <p>25 have ICE staff here, you have the detention service</p>	<p style="text-align: right;">Page 209</p> <p>1 RUSSELL WASHBURN</p> <p>2 management group that's here reviewing during audits.</p> <p>3 I was -- the local staff that's here, I would say yes,</p> <p>4 they're aware, but there's no reporting requirement.</p> <p>5 Q Okay. And do you see where it says, "The</p> <p>6 facility shall have an established system that ensures</p> <p>7 detainees receive the pay owed them before being</p> <p>8 transferred or released"?</p> <p>9 A What section are you under?</p> <p>10 Q Still under "Compensation." Sorry.</p> <p>11 A Sorry. Okay. Yes, I do.</p> <p>12 Q Okay. Do you agree that there have been</p> <p>13 instances when detained people were not paid for the</p> <p>14 last shift they worked before they were transferred or</p> <p>15 released?</p> <p>16 MR. LEE: Object to form.</p> <p>17 THE WITNESS: I'm sure we've had those</p> <p>18 issues, and we remedy them as we become aware</p> <p>19 of them and correct that and retrain or apply</p> <p>20 action, corrective action, if necessary.</p> <p>21 Q (By Ms. Sandley) Are you aware that</p> <p>22 CoreCivic has at times accumulated thousands of dollars</p> <p>23 of detained worker wage that were not paid because the</p> <p>24 worker was transferred or released?</p> <p>25 MR. LEE: Object to form.</p>

<p style="text-align: right;">Page 210</p> <p>1 RUSSELL WASHBURN</p> <p>2 THE WITNESS: No, I'm not aware of that.</p> <p>3 Q (By Ms. Sandley) Let's look at Section L. I</p> <p>4 think we need to scroll down to the next page.</p> <p>5 Do you see where it says, "When a detainee is</p> <p>6 removed from a work detail, the facility administrator</p> <p>7 shall place written documentation of the circumstances</p> <p>8 and reasons in the detainee detention file."</p> <p>9 A Yes.</p> <p>10 Q Okay. How does CoreCivic interpret "written</p> <p>11 documentation"?</p> <p>12 A That would be the form that I referenced, the</p> <p>13 removal from the job placement.</p> <p>14 Q Okay. And those are placed in the detention</p> <p>15 files at Stewart?</p> <p>16 A Yes, ma'am, I believe they are.</p> <p>17 Q Okay. Have incident reports ever been used</p> <p>18 to document a detained worker's removal from the work</p> <p>19 program?</p> <p>20 A Can you define "incident reports"?</p> <p>21 Q 51C forms.</p> <p>22 A I'm sure a 51C has maybe been generated from</p> <p>23 staff, but to document their actual removal, they</p> <p>24 should not have been.</p> <p>25 Q Okay. Do you -- have disciplinary reports</p>	<p style="text-align: right;">Page 211</p> <p>1 RUSSELL WASHBURN</p> <p>2 ever been used at Stewart to document a detained</p> <p>3 worker's removal from the work program?</p> <p>4 A Not that I'm aware of. The only circumstance</p> <p>5 that I can see potentially is if somebody was</p> <p>6 charged -- like, for example, theft while working in a</p> <p>7 location. They may have been removed from that area</p> <p>8 because, obviously, they committed a theft charge. Not</p> <p>9 anything to do with the work program, but they</p> <p>10 committed an infraction while at that particular</p> <p>11 location.</p> <p>12 Q Is there a form number for the work program</p> <p>13 removal form that you referenced?</p> <p>14 A I'm not sure. I'd have to look.</p> <p>15 Q And I just want to confirm, you don't know</p> <p>16 how old that form is or how long it's existed?</p> <p>17 A I do not.</p> <p>18 Q Okay.</p> <p>19 MS. SANDLEY: Let's take this exhibit</p> <p>20 down.</p> <p>21 Q (By Ms. Sandley) PBNDS Section 5.8 does not</p> <p>22 address recruitment of people in the work program,</p> <p>23 correct?</p> <p>24 A It does not.</p> <p>25 Q Does CoreCivic have any policies governing</p>
<p style="text-align: right;">Page 212</p> <p>1 RUSSELL WASHBURN</p> <p>2 recruitment of people in the work program?</p> <p>3 A Not that I'm aware of.</p> <p>4 Q Are there any other requirements for</p> <p>5 operating the work program other than those in the</p> <p>6 PBNDS that ICE establishes?</p> <p>7 A No.</p> <p>8 MR. LEE: Objection.</p> <p>9 THE WITNESS: I'm sorry.</p> <p>10 No.</p> <p>11 Q (By Ms. Sandley) Okay, so ICE requires</p> <p>12 CoreCivic to operate a voluntary work program, correct?</p> <p>13 A Correct, based on the PBNDs standards.</p> <p>14 Q Okay. But other than those guidelines in the</p> <p>15 PBNDS, CoreCivic has discretion to structure and</p> <p>16 operate the work program, correct?</p> <p>17 A As long as it meets the intent and the</p> <p>18 requirements of the standard, yes.</p> <p>19 Q All right. So, for example, CoreCivic</p> <p>20 determines how many detained workers will work in each</p> <p>21 job at Stewart?</p> <p>22 A Correct.</p> <p>23 Q CoreCivic determines what types of jobs can</p> <p>24 be performed by detained workers?</p> <p>25 A Correct.</p>	<p style="text-align: right;">Page 213</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q And CoreCivic determines how much to pay</p> <p>3 detained workers above the \$1 floor set in the PBNDs?</p> <p>4 A Yes. Above the \$1, yes.</p> <p>5 Q CoreCivic determines whether to offer other</p> <p>6 incentives to encourage people to work?</p> <p>7 A Yes.</p> <p>8 Q CoreCivic determines whether to pay detained</p> <p>9 workers with phone cards?</p> <p>10 A Can you repeat the question for me?</p> <p>11 Q Sure.</p> <p>12 CoreCivic determines whether it's going to</p> <p>13 pay detained workers with phone cards?</p> <p>14 MR. LEE: Object to form.</p> <p>15 THE WITNESS: The answer to that is --</p> <p>16 whether or not CoreCivic chooses to provide</p> <p>17 them in addition to the pay in which they</p> <p>18 would have received, the answer to that</p> <p>19 question is yes. They would not be paid with</p> <p>20 a phone card in lieu of the established daily</p> <p>21 rate.</p> <p>22 Q (By Ms. Sandley) If a detained worker is</p> <p>23 paid with a phone card in lieu of the established daily</p> <p>24 rate, is that a violation of PBNDs?</p> <p>25 A Yes, because you'd have to go show the dollar</p>

<p style="text-align: right;">Page 214</p> <p>1 RUSSELL WASHBURN</p> <p>2 amount that you're paying in currency.</p> <p>3 Q CoreCivic determines the shifts that detained</p> <p>4 workers work?</p> <p>5 A Yes.</p> <p>6 Q And for kitchen workers, does Trinity have a</p> <p>7 role in determining the shifts?</p> <p>8 A No more than telling us, you know, really</p> <p>9 what time the kitchen needs to open or what time it</p> <p>10 really should be scheduling to close in order to</p> <p>11 provide all three meals. So it's really about what</p> <p>12 time they're going to open the kitchen and what time</p> <p>13 they anticipate closing the kitchen. Outside of that,</p> <p>14 that's really their only roles, telling us the kitchen</p> <p>15 hours.</p> <p>16 Q Okay. And CoreCivic determines how workers</p> <p>17 will be recruited for the work program?</p> <p>18 A Correct.</p> <p>19 Q Did -- CoreCivic also determines when</p> <p>20 detained workers commit an offense that merits</p> <p>21 discipline?</p> <p>22 A Yeah. I mean, really, ICE staff could as</p> <p>23 well. But, yeah, any employee, whether ICE staff or</p> <p>24 CoreCivic staff, could take disciplinary action against</p> <p>25 a detainee who's violated some type of facility rule.</p>	<p style="text-align: right;">Page 215</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q Okay. Let's take a look at Exhibit 20,</p> <p>3 CCBVA3947.</p> <p>4 (Exhibit 20 marked for identification.)</p> <p>5 Q (By Ms. Sandley) Okay, and this is</p> <p>6 Policy 19-100, correct?</p> <p>7 A Yes, ma'am.</p> <p>8 Q CoreCivic's resident work program policy,</p> <p>9 correct?</p> <p>10 A Correct.</p> <p>11 Q And this applies at Stewart, right?</p> <p>12 A That's correct.</p> <p>13 Q And we can scroll through it if you need us</p> <p>14 to, but does this policy generally mirror the PBNDs</p> <p>15 section we just looked at?</p> <p>16 A Yes, ma'am.</p> <p>17 Q Okay. And are all CoreCivic staff at Stewart</p> <p>18 expected to comply with this policy?</p> <p>19 A Yes, ma'am.</p> <p>20 Q Let's look at the next exhibit. It will be</p> <p>21 21, CCBVA4627.</p> <p>22 (Exhibit 21 marked for identification.)</p> <p>23 Q (By Ms. Sandley) This is the detainee</p> <p>24 voluntary work program agreement, correct?</p> <p>25 A Yes, ma'am.</p>
<p style="text-align: right;">Page 216</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q Is this form used at Stewart?</p> <p>3 A Yes, I believe it is.</p> <p>4 Q Okay. And here it says, "Compensation will</p> <p>5 be from \$1 to \$3 per day."</p> <p>6 Stewart currently pays people up to \$4 per</p> <p>7 day, right?</p> <p>8 A Yes, ma'am. For a few positions, yes.</p> <p>9 Q Okay. So fair to -- has this form been</p> <p>10 modified over time?</p> <p>11 A It does not appear it's been updated.</p> <p>12 Q Well, it's possible this is an out-of-date</p> <p>13 form, so I think I'm asking do you know if there's a</p> <p>14 more recent form?</p> <p>15 A I don't know, but it's equally possible it</p> <p>16 just hasn't been updated to reflect that new rate.</p> <p>17 Q Okay. This form does not mention the PBNDs</p> <p>18 limit to one work detail per day, does it?</p> <p>19 A It does not.</p> <p>20 Q Okay. And let's take this form down.</p> <p>21 How -- are detained workers at Stewart</p> <p>22 informed of how to quit the work program?</p> <p>23 A I'm not sure if it's referenced in the</p> <p>24 detainee handbook or not. I believe it is, but I'm</p> <p>25 not -- I can't remember off the top of my head. I'd</p>	<p style="text-align: right;">Page 217</p> <p>1 RUSSELL WASHBURN</p> <p>2 have to go back and look and see if it's actually in</p> <p>3 the handbook.</p> <p>4 Q If detained workers were informed about how</p> <p>5 to quit the work program, would you expect that</p> <p>6 information to be in the handbook?</p> <p>7 MR. LEE: Object to form.</p> <p>8 THE WITNESS: Not to say -- it's not</p> <p>9 required to be in the handbook, but if it</p> <p>10 would exist anywhere, it should be in the</p> <p>11 handbook, if it was going to exist. I mean,</p> <p>12 I think most people know how to quit doing</p> <p>13 something without being told how to do so.</p> <p>14 Q (By Ms. Sandley) Do you know if anyone tells</p> <p>15 people in the work program how they can quit if they</p> <p>16 want to?</p> <p>17 A I do not know.</p> <p>18 Q Okay. Let's look at the next exhibit,</p> <p>19 Exhibit 22, and this is CCBVA3918.</p> <p>20 (Exhibit 22 marked for identification.)</p> <p>21 Q (By Ms. Sandley) Okay, and this is</p> <p>22 Policy 18-100, correct?</p> <p>23 A Yes, ma'am.</p> <p>24 Q And this applies at Stewart?</p> <p>25 A Yes, it does.</p>

<p>1 RUSSELL WASHBURN</p> <p>2 Q And all CoreCivic staff are expected to</p> <p>3 comply with Policy 18-100?</p> <p>4 A Yes, ma'am.</p> <p>5 Q All right, let's look at page 10. We're</p> <p>6 looking under "Reporting Requirements."</p> <p>7 It says, "A monthly report will be provided</p> <p>8 to the FSC quality assurance department to monitor</p> <p>9 significant fluctuations in custody classification</p> <p>10 levels."</p> <p>11 Does Stewart provide a monthly report to FSC</p> <p>12 on custody classification levels?</p> <p>13 A We do.</p> <p>14 Q Does this policy require any kind of</p> <p>15 reporting about work program staffing levels?</p> <p>16 A No.</p> <p>17 Q Do you know if Stewart provides regular</p> <p>18 reports to FSC about work program staffing levels?</p> <p>19 A Not that I'm aware of.</p> <p>20 MS. SANDLEY: Let's take this exhibit</p> <p>21 down and look at CCBVA118618.</p> <p>22 (Exhibit 23 marked for identification.)</p> <p>23 Q (By Ms. Sandley) All right. And this is</p> <p>24 Policy 18-100CC, correct?</p> <p>25 A Yes, ma'am.</p>	<p>Page 218</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q That's the Stewart work/program plan</p> <p>3 guidelines; is that right?</p> <p>4 A That's correct.</p> <p>5 Q And is this the plan that you testified</p> <p>6 earlier the warden is required to review and sign off</p> <p>7 on annually?</p> <p>8 A Yes, ma'am, I believe this is the right one.</p> <p>9 That should be further down. I think it's got the</p> <p>10 actual job locations, and then it requires my signature</p> <p>11 below it --</p> <p>12 Q Yeah, let's --</p> <p>13 A -- if I was recalling the policy correctly.</p> <p>14 Q Let's go to the last page.</p> <p>15 A Yes, ma'am.</p> <p>16 Q Okay. And that's your signature at the</p> <p>17 bottom there?</p> <p>18 A Yes, ma'am.</p> <p>19 Q This one is dated February 24, 2021, right?</p> <p>20 A Yes, ma'am.</p> <p>21 Q Has there been an updated version of this</p> <p>22 since then?</p> <p>23 A No, ma'am.</p> <p>24 Q Okay. So this is the policy currently in</p> <p>25 effect at Stewart?</p>
<p>1 RUSSELL WASHBURN</p> <p>2 A Yes, ma'am.</p> <p>3 Q How are the wages in this document</p> <p>4 established?</p> <p>5 A [Indiscernible] and how do we get to there?</p> <p>6 Q For all of the positions, how is the wage</p> <p>7 set?</p> <p>8 A Typically, we look at the need and what kind</p> <p>9 of incentives that we would want to put, also look at</p> <p>10 the type of work that the persons would be performing;</p> <p>11 and, you know, working in the kitchen is certainly a</p> <p>12 little more stringent than, you know, mopping a floor</p> <p>13 in a day room and housing unit.</p> <p>14 So those factors are taken into consideration</p> <p>15 when looking at what type of incentives do we want to</p> <p>16 put into the programs to give people those</p> <p>17 opportunities and reward them for taking on some of</p> <p>18 those -- a little more challenging roles within the</p> <p>19 facility.</p> <p>20 Q When you say you look at the need when</p> <p>21 determining the rate of pay, do you mean the number of</p> <p>22 workers needed for a particular position?</p> <p>23 A Yes, ma'am, the ones that we'd like -- the</p> <p>24 number we'd like to see, yes.</p> <p>25 Q Okay. And would you pay -- tell me how that</p>	<p>Page 220</p> <p>1 RUSSELL WASHBURN</p> <p>2 impacts the rate of pay.</p> <p>3 A I don't know that I understand the question.</p> <p>4 I'm sorry.</p> <p>5 Q You said you took the need into account in</p> <p>6 setting the rate of pay, so how -- how does the need</p> <p>7 and the number of workers you'd like to see for a</p> <p>8 particular position -- would you pay more if you need</p> <p>9 more workers for that position?</p> <p>10 A You could, but it would also, like I said, be</p> <p>11 factored into the type of work. That's probably the</p> <p>12 biggest, would be the demand. You know, sometimes</p> <p>13 you're looking for a little more specialty type, you</p> <p>14 know, specific -- let's say in the kitchen, you know,</p> <p>15 not everybody can cook, so you may be looking for</p> <p>16 somebody to be able to perform that.</p> <p>17 So those types of things, to me -- most</p> <p>18 anybody you can put a broom in their hand, you can put</p> <p>19 a mop in their hand, you can put a rag in their hand</p> <p>20 and direct them how to clean, but not everybody is the</p> <p>21 appropriate persons for working in a food-service area,</p> <p>22 nor do they want to work. They have to go through</p> <p>23 medical screenings and things of that nature that are a</p> <p>24 little different than some of those other roles.</p> <p>25 So looking at those types of requirements,</p>

<p style="text-align: right;">Page 222</p> <p>1 RUSSELL WASHBURN</p> <p>2 it's going to be a little more stringent than these</p> <p>3 other jobs, and what's going to incentivize somebody to</p> <p>4 take that versus just give me the broom or the mop and</p> <p>5 I'll be good to go.</p> <p>6 Q Which other jobs besides the kitchen are more</p> <p>7 specialized?</p> <p>8 A Barber, you know, finding somebody that --</p> <p>9 with me, I don't care, anybody can cut my hair, but</p> <p>10 that's not the case for everybody, so you certainly</p> <p>11 want -- you want to make sure somebody has got some</p> <p>12 level of ability and experience in doing that and then</p> <p>13 certainly meeting all the -- the ability to meet all of</p> <p>14 the hygiene requirements and the sanitation</p> <p>15 requirements in between the barbering services and</p> <p>16 things of that.</p> <p>17 Q And what about the administration porter, why</p> <p>18 does that one pay \$4 a day?</p> <p>19 A Again, that's -- you know, really we look at</p> <p>20 the classification, so it's because they're coming into</p> <p>21 an area that's really, in essence, unsecured. Not too</p> <p>22 many people meet the qualifications. And in a</p> <p>23 facility, quite frankly, that's probably one of the</p> <p>24 hardest to recruit for because sometimes those folks</p> <p>25 are labeled -- either they're pressured to try to bring</p>	<p style="text-align: right;">Page 223</p> <p>1 RUSSELL WASHBURN</p> <p>2 stuff into the facility, so a lot of them just simply</p> <p>3 don't want those pressures and they choose not to do</p> <p>4 that, because they do have access to things that the</p> <p>5 other population would not have access to, so it's a</p> <p>6 little pressure on them from their peers.</p> <p>7 Q And the admin porters report to your</p> <p>8 secretary, correct?</p> <p>9 A Yes, ma'am.</p> <p>10 Q Okay. And do they clean your office?</p> <p>11 A They'll clean the administration area,</p> <p>12 they'll vacuum, but as far as cleaning my desk and</p> <p>13 things, I'll do that myself, but they'll vacuum and</p> <p>14 wipe down like doorjambs and things of that nature.</p> <p>15 Q And they take the trash out in the admin</p> <p>16 area?</p> <p>17 A Yes, ma'am. I think I've had one in the 18</p> <p>18 months I've been here.</p> <p>19 Q One trash taking out?</p> <p>20 A No, one worker, one or two workers.</p> <p>21 Q Understood. Okay.</p> <p>22 Does the FSC approve Policy 18-100CC?</p> <p>23 A No, they don't have to approve it. I mean,</p> <p>24 the policy itself is approved through FSC, but the</p> <p>25 actual 18-100CC is not approved by FSC.</p>
<p style="text-align: right;">Page 224</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q Can you explain that a little bit more?</p> <p>3 A The actual 18-100, the policy itself, is</p> <p>4 approved; and language and what's in the policy, that</p> <p>5 doesn't -- I don't have the authority to change that</p> <p>6 policy without going through the approval process.</p> <p>7 Q Uh-huh.</p> <p>8 A This attachment to the policy does not</p> <p>9 require an approval from FSC annually, just it requires</p> <p>10 my approval. The policy requires me to approve this</p> <p>11 attachment and this plan.</p> <p>12 Q If you revise this policy and you approve it,</p> <p>13 do you provide the new revision to FSC?</p> <p>14 MR. LEE: Form.</p> <p>15 THE WITNESS: I'm not sure if this is</p> <p>16 uploaded, one of the documents that's</p> <p>17 uploaded or not. I'd have to check with the</p> <p>18 quality assurance manager. I don't believe</p> <p>19 so, but that's speculation.</p> <p>20 MS. SANDLEY: Okay.</p> <p>21 Q (By Ms. Sandley) We talked a little bit</p> <p>22 earlier about the shift relief factor that's built into</p> <p>23 the Stewart staffing plan.</p> <p>24 Is there any kind of calculation like that,</p> <p>25 like a shift relief factor, that's built into the</p>	<p style="text-align: right;">Page 225</p> <p>1 RUSSELL WASHBURN</p> <p>2 determination of how many workers are needed at</p> <p>3 Stewart?</p> <p>4 A There's not.</p> <p>5 MR. LEE: Object to form.</p> <p>6 THE WITNESS: I'm sorry.</p> <p>7 There's not. We set the number that we</p> <p>8 would like to see, our maximum number that we</p> <p>9 would allow to volunteer to work in those</p> <p>10 specific areas. But as far as any type of</p> <p>11 established relief factor, there's not.</p> <p>12 MS. SANDLEY: Okay.</p> <p>13 Q (By Ms. Sandley) And this version of</p> <p>14 18-100CC calls for 140 kitchen workers over two shifts,</p> <p>15 correct?</p> <p>16 MR. LEE: Object to form.</p> <p>17 THE WITNESS: No. What this form -- I</p> <p>18 mean, there's 140 that -- the max that we'd</p> <p>19 ever allow to volunteer and to be assigned to</p> <p>20 the kitchen. I don't believe we'll ever get</p> <p>21 to that 140, but that's just a max number.</p> <p>22 Anything -- so let's say that we met</p> <p>23 that perfect world and there was 140</p> <p>24 volunteers that want to work in the kitchen</p> <p>25 and we had people requesting beyond that,</p>

<p>1 RUSSELL WASHBURN</p> <p>2 they would have to go on a waiting list. Not</p> <p>3 to say that we would work that many. That's</p> <p>4 just what we identified to say that's the max</p> <p>5 number that we would allow to volunteer to</p> <p>6 work for those specific areas.</p> <p>7 Q (By Ms. Sandley) And if you met that perfect</p> <p>8 world, as you say, how would the 140 be split over two</p> <p>9 shifts per day seven days per week?</p> <p>10 A We split them up, you know, as much as we</p> <p>11 could. I mean, obviously we wouldn't have larger</p> <p>12 numbers -- I would say -- I'm trying to remember what</p> <p>13 the number was the kitchen gave me; but, I mean, on an</p> <p>14 average shift, I believe if everything was full and</p> <p>15 where it needed to be, it's like 30.</p> <p>16 And, again, trying to find that balance</p> <p>17 because we have now males and females, and then we do</p> <p>18 allow Level 2s to work in the kitchen, but we don't</p> <p>19 allow them to work with Level 1s. So you have to do it</p> <p>20 really by classification, by gender, and provide that</p> <p>21 equal access as much as possible.</p> <p>22 So we may have to shorten hours. The</p> <p>23 schedule may be scheduled on an eight-hour rotation,</p> <p>24 and we may have to build schedules that would be on a</p> <p>25 four-hour or a six-hour rotation to allow any of those</p>	<p>1 RUSSELL WASHBURN</p> <p>2 who would like to work the opportunity to do so.</p> <p>3 Again, that's in the perfect world if we had the max</p> <p>4 numbers.</p> <p>5 Q Does the PBNDS require Stewart to provide</p> <p>6 equal access to kitchen jobs for Level 2 detained</p> <p>7 people?</p> <p>8 A For Level 2?</p> <p>9 Q Right. You testified, I believe, that</p> <p>10 Level 2 people are allowed to work in the kitchen,</p> <p>11 right?</p> <p>12 A They are, yes. No, there's nothing really</p> <p>13 that -- now, the ACA standards, there's some things</p> <p>14 about providing equal access when you house opposite</p> <p>15 classifications and genders. So there's an ACA</p> <p>16 standard, and forgive me, I'm not sure of the standard</p> <p>17 number, but there is a standard that talks about equal</p> <p>18 access to not only work programs, but other types of</p> <p>19 services and programs that are offered throughout the</p> <p>20 facilities.</p> <p>21 Q Okay. You testified that Stewart doesn't</p> <p>22 currently have 140 kitchen workers, right?</p> <p>23 A No, not even close.</p> <p>24 Q Okay. And is that -- are you familiar with</p> <p>25 the number of kitchen workers at Stewart prior to</p>
<p>1 RUSSELL WASHBURN</p> <p>2 COVID-19?</p> <p>3 A Just -- I mean, I looked at some records, but</p> <p>4 to say I can draw what those numbers were, no. I did</p> <p>5 look at some records. I had some people on it, yes.</p> <p>6 Q What do you mean you had some people on it?</p> <p>7 A I mean larger numbers than what I've ever</p> <p>8 seen since I've been here. To get me to say what those</p> <p>9 numbers were, whether it was 50 or 60 or 70, I couldn't</p> <p>10 draw that without looking at the report again.</p> <p>11 Q Okay.</p> <p>12 MS. SANDLEY: Let's take this exhibit</p> <p>13 down.</p> <p>14 Q (By Ms. Sandley) And you became warden at</p> <p>15 Stewart right around the time COVID-19 arrived in the</p> <p>16 United States, right?</p> <p>17 A The lucky month of. I guess when it really</p> <p>18 started is -- April 2020 is when I first got here,</p> <p>19 so...</p> <p>20 Q And did COVID-19 impact work program staffing</p> <p>21 at Stewart?</p> <p>22 A It did.</p> <p>23 Q How?</p> <p>24 A It limited the abilities for the detainees to</p> <p>25 volunteer because of either being in a quarantined pod,</p>	<p>1 RUSSELL WASHBURN</p> <p>2 which is -- more often than not is what occurs.</p> <p>3 Somebody tested positive -- this was early on. We</p> <p>4 didn't have the requirement to isolate all of the</p> <p>5 detainees upon arrival for 14 days. That came later.</p> <p>6 But as people tested positive, we had to shelter in</p> <p>7 place, basically, and keep them isolated away from the</p> <p>8 rest of the population.</p> <p>9 So if there happened to be kitchen workers in</p> <p>10 there or laundry workers or wherever, they couldn't</p> <p>11 leave there. The ones that were probably the least</p> <p>12 impacted is those that were assigned to do in-dorm</p> <p>13 assignments because they could still work inside of</p> <p>14 their building and inside of their pod because they</p> <p>15 were still around the same people that they were</p> <p>16 already quarantined with. But outside of that, it's</p> <p>17 been very challenging. I mean, I would say for the</p> <p>18 last eight to ten months, if we had three people</p> <p>19 assigned to the kitchen, we were lucky.</p> <p>20 Q So the need to quarantine and isolate people</p> <p>21 to prevent the spread of COVID impacted the number of</p> <p>22 people who were available to work in the work program,</p> <p>23 correct?</p> <p>24 A It did and it still is currently.</p> <p>25 Q Okay. Have work program shortages caused</p>

<p>1 RUSSELL WASHBURN</p> <p>2 CoreCivic staff to have to work overtime?</p> <p>3 A Yes.</p> <p>4 Q Has CoreCivic brought in more staff to fill</p> <p>5 the need left by lower work program numbers?</p> <p>6 A No, we haven't had that need. I know that</p> <p>7 Trinity brought in a few folks to help in the kitchen,</p> <p>8 a couple, but [indiscernible] here and there. We</p> <p>9 reassigned some staff and, of course, ran overtime to</p> <p>10 help cover in those areas that were needed. And same</p> <p>11 thing with, like, laundry services. I think they have</p> <p>12 not had a worker in there for longer than even what the</p> <p>13 kitchen has experienced. It's just been delivered by</p> <p>14 staff throughout the performance -- or throughout,</p> <p>15 really, the COVID period, it's been intermittent for</p> <p>16 the most part.</p> <p>17 Q So when staff are doing the laundry at</p> <p>18 Stewart, are they doing that on overtime?</p> <p>19 A Either straight time or overtime. I would</p> <p>20 say it's probably -- sometimes it's going to be</p> <p>21 overtime, sometimes it will be straight time. We have</p> <p>22 a dedicated officer that works in laundry. But she may</p> <p>23 have to, you know, keep a few additional hours to</p> <p>24 facilitate the laundry, but I would say for laundry,</p> <p>25 probably, for the most part, it's done at regular rate.</p>	<p>Page 230</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q Is that dedicated officer doing the laundry</p> <p>3 by herself?</p> <p>4 A Yes.</p> <p>5 Q Okay. And the Stewart population decreased</p> <p>6 significantly during COVID-19, correct?</p> <p>7 A Last year, yes, ma'am.</p> <p>8 Q It dropped to as low as 2-, 300?</p> <p>9 A Yeah, it was between -- we never went below</p> <p>10 200, but I would say 250-ish to 300.</p> <p>11 Q Okay. And the 1752 population staffing plan,</p> <p>12 was that still in effect when the Stewart population</p> <p>13 dropped --</p> <p>14 A Yes, ma'am.</p> <p>15 Q -- to 300?</p> <p>16 A Yes, ma'am.</p> <p>17 Q Okay. Did that allow CoreCivic to cover some</p> <p>18 of those duties that were ordinarily performed by</p> <p>19 detained workers?</p> <p>20 A Yes. There was some, obviously, shift of</p> <p>21 assignments to perform some of those functions that's</p> <p>22 typically been handled by detainees.</p> <p>23 Q Are you familiar with ICE's pandemic response</p> <p>24 requirements?</p> <p>25 A The PRR, yes, ma'am.</p>
<p>Page 232</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q Okay. That was my next question. Can we</p> <p>3 call them the PRR for short?</p> <p>4 A Yes, we can.</p> <p>5 Q All right. And what are the PRR?</p> <p>6 MR. LEE: Object to form. Exceeds the</p> <p>7 scope of the notice.</p> <p>8 THE WITNESS: It's ICE's pandemic</p> <p>9 response requirements for the COVID -- due to</p> <p>10 COVID-19.</p> <p>11 Q (By Ms. Sandley) And there have been several</p> <p>12 versions of the PRR released since the beginning of the</p> <p>13 pandemic, correct?</p> <p>14 A Yes, ma'am.</p> <p>15 MR. LEE: Object to form. Exceeds the</p> <p>16 scope.</p> <p>17 Q (By Ms. Sandley) Is Stewart expected to</p> <p>18 comply with PRR?</p> <p>19 A Yes, we are required to comply --</p> <p>20 MR. LEE: Object to form. Exceeds the</p> <p>21 scope. Counsel, there's nothing in the</p> <p>22 notice about the PRR.</p> <p>23 MS. SANDLEY: There is something in the</p> <p>24 notice about ICE policies relating to the</p> <p>25 work program and policies in effect at</p>	<p>Page 233</p> <p>1 RUSSELL WASHBURN</p> <p>2 Stewart relating to the work program.</p> <p>3 MR. LEE: Okay, but you're asking about</p> <p>4 COVID policies.</p> <p>5 MS. SANDLEY: I'm about to get there,</p> <p>6 Jacob, if you give me one second.</p> <p>7 Let's pull up Exhibit 24.</p> <p>8 (Exhibit 24 marked for identification.)</p> <p>9 Q (By Ms. Sandley) This is Version 1 of the</p> <p>10 PRR dated April 10, 2020.</p> <p>11 Okay, this is the PRR we were just</p> <p>12 discussing, right, Warden Washburn?</p> <p>13 A Yes, ma'am.</p> <p>14 Q Okay. And you can see at the bottom there</p> <p>15 where it says Version 1?</p> <p>16 A Yes, ma'am.</p> <p>17 Q Okay. Let's go to page 13. And this says,</p> <p>18 "Consider suspending work" -- sorry, that's work</p> <p>19 release.</p> <p>20 MS. SANDLEY: Jackie, I'm looking for</p> <p>21 the portion that says, "Facilities are</p> <p>22 encouraged to..."</p> <p>23 There it is. I see it.</p> <p>24 Q (By Ms. Sandley) Warden, do you see -- it's</p> <p>25 the bullet point right before the arrows. It says,</p>

<p>1 RUSSELL WASHBURN</p> <p>2 "Facilities are encouraged to prohibit or, at a</p> <p>3 minimum, significantly adopt restricted visitation</p> <p>4 programs, and to suspend all volunteer work assignments</p> <p>5 for detainees assigned to food service, and other</p> <p>6 assignments where applicable." Do you see that?</p> <p>7 A I do see it.</p> <p>8 Q Did Stewart suspend all volunteer work</p> <p>9 assignments for detained people assigned to food</p> <p>10 service?</p> <p>11 A We did not.</p> <p>12 Q Did Stewart suspend work assignments for</p> <p>13 other detained worker assignments at Stewart?</p> <p>14 A We did not.</p> <p>15 Q Okay. And then let's go to the next exhibit.</p> <p>16 (Exhibit 25 marked for identification.)</p> <p>17 Q (By Ms. Sandley) This is actually going to</p> <p>18 be PRR Version 7. And while we pull this up, do you</p> <p>19 know which version of the PRR is currently in effect?</p> <p>20 A 10/19, the one dated 10/19, I believe.</p> <p>21 Q All right. And this is Exhibit 25. Let's</p> <p>22 scroll down so you can see the date. So this is the</p> <p>23 10/19/2021 version of the PRR?</p> <p>24 A Yes, ma'am.</p> <p>25 Q And this is currently in effect at Stewart?</p>	<p>1 RUSSELL WASHBURN</p> <p>2 A Yes, ma'am.</p> <p>3 Q Okay, let's go to PDF page 37.</p> <p>4 Warden, do you see where we've highlighted</p> <p>5 it says, "Facilities are required to suspend all</p> <p>6 volunteer work program assignments for detainees</p> <p>7 assigned to food service and other VWP assignments,</p> <p>8 where applicable, that require individuals to interact</p> <p>9 with each other at distances of less than six feet.</p> <p>10 Any detainee participating in a VWP assignment is</p> <p>11 required to wear appropriate PPE for the position at</p> <p>12 all times (e.g., disposable gloves, masks, goggles).</p> <p>13 Detainees in isolation or quarantine may not be</p> <p>14 assigned to a VWP detail"?</p> <p>15 Are people -- are detained people at Stewart</p> <p>16 currently working in the kitchen?</p> <p>17 A Yes.</p> <p>18 Q Are detained people at Stewart currently</p> <p>19 working in jobs that require interaction at less than 6</p> <p>20 feet?</p> <p>21 A I mean, I would say at times they're probably</p> <p>22 less than 6 feet.</p> <p>23 Q Who's been doing the barbering at Stewart</p> <p>24 since April 2020?</p> <p>25 A Detainees.</p>
<p>1 RUSSELL WASHBURN</p> <p>2 Q And would you agree that barbering requires</p> <p>3 interaction at less than 6 feet?</p> <p>4 A Yes. And I will say, too, that the detainee</p> <p>5 barber and the detainee receiving the barbering service</p> <p>6 wear applicable and required PPE.</p> <p>7 Q Okay.</p> <p>8 MS. SANDLEY: Let's take this exhibit</p> <p>9 down.</p> <p>10 Q (By Ms. Sandley) Is the typical kitchen</p> <p>11 shift at Stewart between 6 and 10 hours?</p> <p>12 A Between 6 a.m. and 10 p.m. or --</p> <p>13 Q No, between 6 and 10 hours long.</p> <p>14 A As far as the shifts?</p> <p>15 Q Uh-huh.</p> <p>16 A We don't have any shifts that go into 10</p> <p>17 hours.</p> <p>18 Q How long are shifts in the kitchen typically?</p> <p>19 A I think they're scheduled, I believe -- and I</p> <p>20 have to look back at the schedule -- I believe eight</p> <p>21 hours. Certainly less than eight hours. Eight hours</p> <p>22 or less.</p> <p>23 Q Okay. And do you know how long kitchen</p> <p>24 shifts were prior to your time at Stewart?</p> <p>25 A Not without looking at the record.</p>	<p>1 RUSSELL WASHBURN</p> <p>2 Q Okay. And are detained people at Stewart</p> <p>3 informed about what their work schedules are for the</p> <p>4 week?</p> <p>5 A Yes. Once they accept the position and</p> <p>6 volunteer for it, then yes, they're told what their</p> <p>7 work schedule will be.</p> <p>8 Q Are work schedules written and posted</p> <p>9 anywhere?</p> <p>10 A Again, I believe they're -- the schedules are</p> <p>11 posted in the units. Again, I'd have to go look --</p> <p>12 there's, like, so much documentation there -- to</p> <p>13 confirm it, but I do believe we do post them. And I</p> <p>14 know that they're certainly posted in the work</p> <p>15 location, but I also believe they are posted in the</p> <p>16 units, but I'd have to confirm that.</p> <p>17 Q Okay. Let's look at the next exhibit,</p> <p>18 CCBVA218703, and this will be Exhibit 26.</p> <p>19 (Exhibit 26 marked for identification.)</p> <p>20 Q (By Ms. Sandley) All right, this is an email</p> <p>21 to -- from John Gimesh to all wardens at --</p> <p>22 [REDACTED]. Do you see that?</p> <p>23 A I do.</p> <p>24 Q Who is John Gimesh?</p> <p>25 A John Gimesh, he's no longer. He was our -- I</p>

1 RUSSELL WASHBURN
 2 believe his title was food service director from
 3 Facility Support Center.

4 Q Okay. So he worked in the FSC?

5 A Yes, ma'am.

6 Q And the [REDACTED] email address,
 7 are you familiar with that?

8 A Yes, I am.

9 Q Does it go to all the CoreCivic wardens?

10 A It would have.

11 Q Okay. And then Sue Huffman at Trinity
 12 Services Group is copied on this. Do you know who Sue
 13 is?

14 A I don't know her title. She's like a
 15 regional supervisor for Trinity.

16 Q Okay. Now, Mr. Gimesh writes, "Our company
 17 average is 7 percent of scheduled inmates do not report
 18 to work. I have been asked recently by several
 19 facilities how to address this matter."

20 Fair to say, based on this email, that FSC
 21 was taking an interest in how many detained people were
 22 not reporting to work?

23 MR. LEE: Object to form.

24 THE WITNESS: Based on the email. I
 25 mean, whether they were concerned about it or

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 2 not, I mean, I don't know. I mean, he's
 3 obviously reporting some statistical data.

4 Q (By Ms. Sandley) Mr. Gimesh writes -- well,
 5 let me withdraw that.

6 That wardens-all email address, that goes to
 7 both ICE facility wardens and criminal prison wardens,
 8 correct?

9 A Correct. It would go to all wardens that
 10 were in the distribution. I mean, unless somebody was
 11 new and hadn't been updated, it would typically go to
 12 all wardens within the CoreCivic facilities.

13 Q Okay. Let's look at -- well, Mr. Gimesh
 14 writes, "I am attaching some tools that have been used
 15 to improve this situation over the years, jointly
 16 created by Trinity and CCA."

17 So let's scroll down and look at the
 18 attachments, the next page. Do you recall receiving
 19 this email?

20 A Back in 2014, no, ma'am.

21 Q Were you a warden in 2014?

22 A I was. I've been a warden since 2008.

23 Q Okay. And we're going to look at B --
 24 b(iii). So (b) says "Review current process." And it
 25 says, "Stance on volunteer workers." Do you know what

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2 that could mean?

3 A I don't want to speculate what his intent
 4 was.

5 Q Okay. What is Stewart's stance on volunteer
 6 workers?

7 A In what regard?

8 Q If you were asked by someone at FSC what is
 9 Stewart's stance on volunteer workers, what would you
 10 say?

11 MR. LEE: Object to form.

12 THE WITNESS: I would say we follow the
 13 PBNDS standards with regards to how we manage
 14 the workforce.

15 MS. SANDLEY: Okay.

16 Q (By Ms. Sandley) Let's look near the bottom
 17 of this page. It says, "Review with AW current process
 18 on how to enforce inmates arriving to work on time,"
 19 and it goes on to say, "Call-out/wake-up call."

20 Does Stewart have a call-out/wake-up call
 21 process?

22 A I mean, not other than a supervisor making
 23 the note -- call out for the individuals to report to
 24 their scheduled work, and then the assigned officers
 25 would go in and tell them, you know, it's wake up time

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1 RUSSELL WASHBURN

2 or see who's going to work, who's not going to work
 3 kind of thing. But to say we have a set time and it's
 4 at -- it's when the supervisor makes notification
 5 that -- we'll use the kitchen as an example, that the
 6 kitchen is ready to receive the workers who wish to
 7 come to work.

8 Q Okay. So when you say "supervisor," you mean
 9 the supervisor for that particular job position?

10 A More often than not, it's typically shift
 11 captain or the shift lieutenant who gets the
 12 communication from the Trinity staff that they're ready
 13 for their worker to report.

14 Q Okay. And then does the supervisor call down
 15 to the unit?

16 A Either the supervisor or central control. It
 17 wouldn't necessarily come from the shift captain or
 18 lieutenant. It may be from central calling the units
 19 to prepare their individuals who are designated to go
 20 to work.

21 Q Okay. And then detention officers wake up
 22 the people who are scheduled to work for that shift?

23 A That's correct. Obviously, if they're not
 24 already awake, but yes.

25 Q Okay. And let's scroll down a little bit to

Page 242		Page 243	
1	RUSSELL WASHBURN	1	RUSSELL WASHBURN
2	the next page.	2	Q Does this chart reflect the steps taken if a
3	Okay, so by little Roman numeral 3, it says,	3	detained worker at Stewart does not report to work in
4	"Who documents inmates for failing to show to work	4	the kitchen?
5	late?" Who does this at Stewart?	5	A No, I won't say that this has been applied
6	MR. LEE: Object to form.	6	here. It's certainly not in place today. I can't
7	THE WITNESS: I mean, who documents the	7	speak prior to; but, no, it's not defined like that
8	detainees? It would be the area work --	8	here.
9	whoever is in charge of that particular area,	9	Q Are there certain parts of it that aren't
10	whether it's laundry or -- the area	10	defined like that at Stewart?
11	supervisor that would document if they didn't	11	A It's specifically to the time. I mean, it's
12	report.	12	got really regimented times in there.
13	Q (By Ms. Sandley) And would the area	13	Q Okay.
14	supervisor document whether they were late to work?	14	A We don't really have any time frames that
15	A Honestly, I don't know that we track that	15	have been established.
16	because it's really hard to because it's not like they	16	Q So apart from the 20-minute time frames
17	have a key to let themselves out. They're dependent	17	there, does this generally show the steps that are
18	upon us to let them out, you know. Now, if somebody	18	taken if a detained worker doesn't report to work?
19	was beyond the time and everybody else in that pod made	19	A Not really. I mean, there's not a whole lot
20	it out, they may. I don't know that we have a set	20	of steps in it. I mean, it's -- really don't define,
21	standard for what is late versus not late.	21	in my opinion, a real process. It's got -- it's a
22	Q Okay. Let's look at page 4. Okay, so this	22	pretty graph, but I don't know that it really has a
23	is another one of the tools Mr. Gimesh attached to his	23	defined process. You know, the reality is calling down
24	email. Let's zoom in.	24	and waking them up, "Are you going to go? Do you want
25	A Thank you.	25	to go?" If they don't go, just moving on. I mean, we
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1	RUSSELL WASHBURN	1	RUSSELL WASHBURN
2	don't really have a defined, like I said, process.	2	down.
3	Q If a detained worker doesn't report to work	3	Q (By Ms. Sandley) Warden, are you familiar
4	and a detention officer in their unit wakes them up,	4	with the Trinity contract?
5	tries to get them to come to work, and that doesn't	5	A I won't say I'm fluent. I have seen it, yes,
6	work, is a supervisor notified?	6	but I won't say I'm fluent.
7	A Not typically, no, I mean, because, again,	7	Q Did you review it in preparing for this
8	you can't -- there's really no sense in wasting a whole	8	deposition?
9	lot of resources for a voluntary program.	9	A Briefly, yeah.
10	Q Is that true even when the kitchen is	10	Q The Trinity contract requires CoreCivic to
11	short-staffed?	11	provide a specific number of kitchen workers in the
12	A Yeah, again, whether they're short-staffed or	12	kitchen, correct?
13	not, I mean, it's not -- we can't force people to work	13	A I believe so, yes.
14	and we don't.	14	Q Okay. And then CoreCivic in turn sets the
15	Q Sorry, I meant is it true that a supervisor	15	number of kitchen workers in that Policy 18-100CC that
16	isn't always notified even when the kitchen is	16	we looked at earlier, correct?
17	short-staffed?	17	A Yes, ma'am.
18	A Yeah, they would be notified because then it	18	MR. LEE: Object to form.
19	would become on them to either augment or replace with	19	THE WITNESS: Sorry.
20	staff inside the facility or -- and that would really	20	Q (By Ms. Sandley) And does CoreCivic set that
21	be the only options that they would have, is to engage	21	number of kitchen workers in Policy 18-100CC to help
22	staff to assist with the preparation and delivery of	22	ensure that it meets the number of kitchen workers it's
23	food.	23	required to provide under the Trinity contract?
24	Q Okay.	24	MR. LEE: Object to form.
25	MS. SANDLEY: Let's take this exhibit	25	THE WITNESS: That's factored in. I

<p>1 RUSSELL WASHBURN</p> <p>2 mean, I won't say it's exclusive, but it is</p> <p>3 factored in.</p> <p>4 Q (By Ms. Sandley) Because CoreCivic could be</p> <p>5 penalized under the Trinity contract if it doesn't</p> <p>6 provide the number of kitchen workers required,</p> <p>7 correct?</p> <p>8 A I don't know that there's a penalty ability.</p> <p>9 Q You don't know if there's a penalty ability?</p> <p>10 A Yeah, I don't know if -- I don't believe</p> <p>11 there is, but I'm not a hundred percent either.</p> <p>12 Q Okay. Well, I'll represent to you that other</p> <p>13 witnesses in this case have testified that there is a</p> <p>14 penalty ability.</p> <p>15 A Okay.</p> <p>16 MR. LEE: Do you have a copy of the</p> <p>17 contract you want to show him, Counsel?</p> <p>18 MS. SANDLEY: No, we're good.</p> <p>19 Q (By Ms. Sandley) Are CoreCivic staff who are</p> <p>20 assigned to other areas of the facility ever required</p> <p>21 to work in the kitchen?</p> <p>22 A One more time. Which staff?</p> <p>23 Q CoreCivic staff.</p> <p>24 A Oh, yes, ma'am.</p> <p>25 Q Okay. And when that happens, does anyone</p>	<p>1 RUSSELL WASHBURN</p> <p>2 cover their ordinary post?</p> <p>3 A Overtime. As I said, we would cover with</p> <p>4 overtime to cover those posts. So, yes, we would not</p> <p>5 vacate a post that's required to move them to the</p> <p>6 kitchen. We would schedule overtime staff to be in</p> <p>7 addition to.</p> <p>8 Q Okay. Because you can't expect someone to</p> <p>9 work two jobs at one time, correct?</p> <p>10 A Correct.</p> <p>11 Q Okay. Has CoreCivic ever considered hiring</p> <p>12 more employees to work in the kitchen?</p> <p>13 MR. LEE: Object to form.</p> <p>14 THE WITNESS: It's a broad question.</p> <p>15 Stewart specific --</p> <p>16 MS. SANDLEY: Yeah.</p> <p>17 THE WITNESS: -- across the company?</p> <p>18 Not that I'm aware of for Stewart, no</p> <p>19 MS. SANDLEY: Okay.</p> <p>20 Q (By Ms. Sandley) Detained workers at Stewart</p> <p>21 wax and buff the floors, right?</p> <p>22 A They have, yes.</p> <p>23 Q Okay. And why do the floors need to be waxed</p> <p>24 and buffed?</p> <p>25 A To, really, just create a sanitary</p>
<p>1 RUSSELL WASHBURN</p> <p>2 environment.</p> <p>3 Q Okay. And detained workers at Stewart paint</p> <p>4 the facility, correct?</p> <p>5 A They have, yes.</p> <p>6 Q Okay. And why does the facility need to be</p> <p>7 repainted from time to time?</p> <p>8 A Again, to create and to ensure that the</p> <p>9 environment that people are living in is conducive to</p> <p>10 such.</p> <p>11 Q Detained workers clean and dust the facility?</p> <p>12 A They have, in addition -- again, staff on all</p> <p>13 of those in addition to, so yes.</p> <p>14 Q If Stewart never waxed and buffed the floors,</p> <p>15 never repainted, never cleaned and dusted, is it your</p> <p>16 understanding that ICE would continue to contract with</p> <p>17 CoreCivic to operate Stewart?</p> <p>18 MR. LEE: Object to form and foundation.</p> <p>19 THE WITNESS: I mean, the answer is that</p> <p>20 we wouldn't allow that. I mean, that would</p> <p>21 fall below our standards, but ACA standards</p> <p>22 and many of the other standards that we're</p> <p>23 measured on require us to maintain a level of</p> <p>24 sanitation. So CoreCivic as a whole, me as</p> <p>25 the warden, certainly, would not allow the</p>	<p>1 RUSSELL WASHBURN</p> <p>2 facility to fall to that level. So I can't</p> <p>3 answer that question because I wouldn't allow</p> <p>4 it to get there.</p> <p>5 Q (By Ms. Sandley) And if CoreCivic fell below</p> <p>6 those cleanliness and sanitation standards that it's</p> <p>7 required to comply with per its contract, it could be</p> <p>8 found in violation of its contract, correct?</p> <p>9 A That's correct, if it fell below the</p> <p>10 standard, yes.</p> <p>11 Q Okay. Is there any portion of PBNDS that</p> <p>12 prohibits CoreCivic staff from performing barbering?</p> <p>13 A I don't believe so.</p> <p>14 Q Have CoreCivic staff ever barbecued at</p> <p>15 Stewart?</p> <p>16 MR. LEE: Object to form.</p> <p>17 THE WITNESS: Not since I've been here.</p> <p>18 I don't recall ever reading of such.</p> <p>19 MS. SANDLEY: Okay.</p> <p>20 Q (By Ms. Sandley) CoreCivic has in the past</p> <p>21 paid detained workers to assist other detained people</p> <p>22 with disabilities at Stewart, correct?</p> <p>23 A I don't know if that's correct or not. I</p> <p>24 believe we have a process in place, but I don't know</p> <p>25 whether we have or -- actually have or have not. I'd</p>

<p>1 RUSSELL WASHBURN 2 have to look at the record. 3 Q What is the process that's in place? 4 A I mean, you have to -- one, a person has to 5 volunteer; and, two, both individuals have to agree 6 that they're okay with a detainee helper, if you will. 7 So one, it's not forced; and both parties, in 8 this case, would have to agree the person who needs the 9 assistance and that they would also have to be approved 10 by medical in order to provide that assistance. 11 Q When that happens, are those people typically 12 assigned to the same cell if they're in a cell dorm? 13 A Again, classification -- they have to be 14 classification appropriate to even have the 15 interaction. So in the event that we have that case, 16 yes, we would look at that. 17 Q Are there any measures in place in that 18 process to ensure that the person hired to assist a 19 detained person with a disability doesn't work more 20 than 40 hours per week? 21 A I don't know. There's not an actual 22 schedule, especially if they're living together. So I 23 don't know that there would be a system in place for 24 that as far as if they were actually living together, 25 providing that assistance.</p>	<p>1 RUSSELL WASHBURN 2 Q Okay. One of the witnesses in this case 3 previously testified that the FSC sets detained worker 4 wages at Stewart. Is that correct? 5 MR. LEE: Object to form. 6 THE WITNESS: I don't know where that 7 came from. No. 8 MS. SANDLEY: Okay. 9 Q (By Ms. Sandley) So that's left up to 10 Stewart staff? 11 A Correct. Typically -- I mean, obviously if 12 we're going to increase, I would have a discussion with 13 the managing director, in my case now, Charles Keeton, 14 and that's really more of an FYI, make sure that he 15 understood why we were doing what we were doing and 16 moving that process, but there's no requirement for 17 approval that I'm aware of. 18 Q Okay. But if, in the course of that 19 conversation with a managing director, he didn't agree 20 with that, he could tell you not to do it, correct? 21 A Yeah, I mean, as my supervisor, he certainly 22 could. I've never experienced that, but he certainly 23 could. 24 Q Okay. Are you aware that CoreCivic has in 25 the past provided incentives other than daily pay to</p>
<p>1 RUSSELL WASHBURN 2 detained workers? 3 MR. LEE: Object to form. 4 THE WITNESS: Provided in place of or in 5 addition to? 6 MS. SANDLEY: Let's start with in 7 addition to. 8 THE WITNESS: Am I aware that that has 9 been provided in the past in addition to, 10 yes. 11 MS. SANDLEY: Okay. 12 Q (By Ms. Sandley) And those other incentives 13 have included extra food? 14 A Yes. 15 Q And they've included phone time? 16 A I was not aware until earlier in the day you 17 said that -- I think it was Mr. Swinton testified 18 during his time, that's what he did, so... 19 Q And they've included extra video games and 20 movies in the designated worker housing units, correct? 21 A I would say yes. I mean, that's pretty 22 standard, yeah, so... 23 Q And the practice of offering incentives, that 24 you're aware of, applied generally to all the detained 25 workers at Stewart?</p>	<p>1 RUSSELL WASHBURN 2 A Yes. 3 Q Were you aware of the practice of CoreCivic 4 providing phone cards to detained workers in lieu of 5 pay before today? 6 A No. 7 Q What does a \$10 phone card cost CoreCivic? 8 A I'd have to look -- they don't cost, I 9 wouldn't say, CoreCivic anything. We actually sell it 10 for Talton. So I wouldn't say it costs us anything. 11 I'd have to look at the actual sheet, but I don't 12 believe we pay anything, because the cards are not 13 ours. 14 Q Okay. All right, how are you doing, Warden? 15 Do you need a break? 16 A I'm good. 17 Q Okay. Well, let's move on to rules, 18 discipline. 19 There are rules for detained people at 20 Stewart, right? 21 A Yes, ma'am. 22 Q And who makes the rules? 23 A Some of it is PBND standards. You have the 24 rule infractions. I think all of our sanctions are 25 from the PBND standards. I don't believe we have</p>

<p style="text-align: right;">Page 254</p> <p>1 RUSSELL WASHBURN</p> <p>2 anything that's not applicable to or from the PBNDS</p> <p>3 standards.</p> <p>4 Q So PBNDS sets out specific disciplinary</p> <p>5 offenses, correct?</p> <p>6 A Correct, yes.</p> <p>7 Q And those are -- are there -- I just want to</p> <p>8 be sure I understand your testimony. You're not aware</p> <p>9 of any other rules at Stewart for which people could be</p> <p>10 disciplined apart from what's in the PBNDS, correct?</p> <p>11 A Correct.</p> <p>12 Q Okay. And are the rules at Stewart</p> <p>13 communicated to detained people?</p> <p>14 A Yes.</p> <p>15 Q How?</p> <p>16 A That is in the detainee handbook.</p> <p>17 Q Any other way they're informed about the</p> <p>18 rules?</p> <p>19 A Verbally, you know, through staff during the</p> <p>20 intake process, the unit team's interactions on a, you</p> <p>21 know, regular basis with the detainees. Because part</p> <p>22 of that process, especially if there's somebody who's</p> <p>23 limited in English proficiency, of course the handbook</p> <p>24 is provided in the appropriate language, but through</p> <p>25 interactions with staff as well.</p>	<p style="text-align: right;">Page 255</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q Did you review any handbooks from prior to</p> <p>3 your time at Stewart in preparing for this deposition?</p> <p>4 A I don't believe I did.</p> <p>5 Q Did you review the detention standards that</p> <p>6 were in place prior to the PBNDS 2011 standards in</p> <p>7 preparing for this deposition?</p> <p>8 A No, ma'am.</p> <p>9 Q Do you know whether the rules that have been</p> <p>10 in place at Stewart since it began operating have</p> <p>11 changed significantly?</p> <p>12 A I don't. I mean, I'm sure we produced it, it</p> <p>13 would be in the records that we produced to you, but I</p> <p>14 can't sit here and tell you that today.</p> <p>15 Q What happens when a detained person at</p> <p>16 Stewart breaks a rule?</p> <p>17 A It depends on the type of rule. Obviously,</p> <p>18 if it's something minor, staff are encouraged to try to</p> <p>19 informally address that behavior and correct it with</p> <p>20 the detainee. But if it's something that you've either</p> <p>21 addressed multiple times or it's something of a</p> <p>22 significant nature, then they would generate the</p> <p>23 disciplinary report on that particular detainee,</p> <p>24 utilizing the appropriate offense code and title, and</p> <p>25 then ultimately turn that over to the supervisor.</p>
<p style="text-align: right;">Page 256</p> <p>1 RUSSELL WASHBURN</p> <p>2 The supervisor then would make a determination of what</p> <p>3 is the appropriate course of action.</p> <p>4 The majority of ours are administrative in</p> <p>5 nature, do not require a person to be placed into</p> <p>6 restricted housing pending that disciplinary. But in</p> <p>7 some cases, they are.</p> <p>8 For example, two guys that are actively</p> <p>9 aggressive and fighting, they're more likely going to</p> <p>10 be placed into restrictive housing and administrative</p> <p>11 confinement pending the resolution of that</p> <p>12 disciplinary. And more often than not, it's a cool-off</p> <p>13 period for the two guys to get their heads back</p> <p>14 together and get out of segregation.</p> <p>15 But from there, the disciplinary would be</p> <p>16 served to the detainee. They would be advised of the</p> <p>17 charges in the appropriate language. And they document</p> <p>18 if the person does not speak English, what language and</p> <p>19 the operator that provided that service for them, and</p> <p>20 then they're given a copy of the disciplinary as well.</p> <p>21 And then ultimately they're scheduled and set</p> <p>22 for a hearing with a disciplinary hearing staff. And</p> <p>23 then they'll actually do the hearing and, again, use</p> <p>24 the LanguageLine if necessary to communicate the</p> <p>25 outcome of that hearing.</p>	<p style="text-align: right;">Page 257</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q Disciplinary reports -- you referred to those</p> <p>3 just now -- are those also called write-ups?</p> <p>4 A Yeah, disciplinary reports, write-ups, DRs,</p> <p>5 yes, ma'am.</p> <p>6 Q Okay. And you referred to both restrictive</p> <p>7 housing and segregation. Are those terms</p> <p>8 interchangeable at Stewart?</p> <p>9 A Really, restrictive housing is the term that</p> <p>10 we have. It's bad habits of segregation, but</p> <p>11 restrictive housing.</p> <p>12 Q People used to call it segregation, right?</p> <p>13 A Yes, ma'am.</p> <p>14 Q And sometimes people still call it that,</p> <p>15 right?</p> <p>16 A Old habits are hard to kick, but yes.</p> <p>17 Q Yeah.</p> <p>18 Okay. Stewart has a disciplinary policy,</p> <p>19 correct?</p> <p>20 A Correct.</p> <p>21 Q It's Policy 15-100?</p> <p>22 A Yes, ma'am.</p> <p>23 Q That's a CoreCivic policy?</p> <p>24 A Correct.</p> <p>25 Q And that policy is created by the FSC?</p>

<p>1 RUSSELL WASHBURN</p> <p>2 A Correct.</p> <p>3 Q And it applies to all CoreCivic staff at</p> <p>4 Stewart?</p> <p>5 A It does, yes.</p> <p>6 Q Does CoreCivic have to notify ICE of the</p> <p>7 results of disciplinary proceedings?</p> <p>8 A Not the results, no.</p> <p>9 Q Does CoreCivic have to notify ICE if someone</p> <p>10 is sent to disciplinary segregation?</p> <p>11 A Yes.</p> <p>12 Q Is that notification to ICE required just</p> <p>13 once, or is there a periodic notification as long as</p> <p>14 that person is in segregation?</p> <p>15 A We make notification, but they actually</p> <p>16 participate in the weekly restrictive housing committee</p> <p>17 reviews. So they go through every person that's</p> <p>18 currently residing in restrictive housing, discuss them</p> <p>19 individually, and then are part of the discussion about</p> <p>20 what's the appropriate method for either releasing the</p> <p>21 person, continuing them in restrictive housing, as well</p> <p>22 as mental health is involved with that committee as</p> <p>23 well. So we're evaluating them exclusively not only</p> <p>24 for security side, but the medical side, and having ICE</p> <p>25 involved in that conversation, and that happens every</p>	<p>Page 258</p> <p>1 RUSSELL WASHBURN</p> <p>2 Wednesday at 10:30.</p> <p>3 Q Okay. Why is mental health involved in the</p> <p>4 weekly segregation reviews?</p> <p>5 A Just to make sure we're on track and</p> <p>6 providing -- you know, if there's somebody at risk,</p> <p>7 specifically if there's someone that maybe is in</p> <p>8 restrictive housing who has had suicidal ideations in</p> <p>9 the past or, you know, just being in a restricted area,</p> <p>10 we want to make sure that they're clinically okay, and</p> <p>11 if there's not, that we're taking the appropriate</p> <p>12 medical actions to address whatever issues that they</p> <p>13 may be having.</p> <p>14 Q All right, let's take a look at Exhibit 27,</p> <p>15 CCBVA244.</p> <p>16 (Exhibit 27 marked for identification.)</p> <p>17 Q (By Ms. Sandley) All right, and this is the</p> <p>18 Stewart handbook, correct?</p> <p>19 A Yes. It's an excerpt of, but I don't know</p> <p>20 what the date is on that one.</p> <p>21 Q Let's scroll down so you can see the date.</p> <p>22 There we go.</p> <p>23 Do you see that "Revised" at the bottom</p> <p>24 there?</p> <p>25 A Yes.</p>
<p>1 RUSSELL WASHBURN</p> <p>2 Q So it looks like April 2019?</p> <p>3 A It's been revised since then, I believe.</p> <p>4 Q Okay. So you believe there's a different</p> <p>5 version in place currently?</p> <p>6 A Yes, ma'am.</p> <p>7 Q Do you know if the revisions from version to</p> <p>8 version to the Stewart handbook are typically</p> <p>9 significant?</p> <p>10 A There was quite a few changes, if memory</p> <p>11 serves me correct, that we went through the process,</p> <p>12 and it's been since I've been here, so I would</p> <p>13 certainly say there's a revised handbook, I believe.</p> <p>14 Q Okay. The handbook, is it provided to every</p> <p>15 detained person at Stewart?</p> <p>16 A Yes.</p> <p>17 Q Is it provided at intake?</p> <p>18 A Yes, it is.</p> <p>19 Q Can they get a copy of the handbook at any</p> <p>20 other time?</p> <p>21 A I mean, if they've lost theirs or it was</p> <p>22 damaged, then they can request it from their unit team</p> <p>23 members, case manager, unit manager --</p> <p>24 Q Is the --</p> <p>25 A I'm sorry.</p>	<p>Page 260</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q Sorry. Is the handbook or portions of the</p> <p>3 handbook posted in the housing units at Stewart?</p> <p>4 A I believe they are. I think there is</p> <p>5 sections of it that are posted.</p> <p>6 Q Is the handbook translated into other</p> <p>7 languages?</p> <p>8 A Yes. I believe we have it in nine different</p> <p>9 languages now.</p> <p>10 Q Okay. Do you know which ones?</p> <p>11 A Not all. I mean, I know we have, obviously,</p> <p>12 English, Spanish, Punjabi, Arabic, Russian, French. I</p> <p>13 can't remember them all. I can certainly provide that.</p> <p>14 I don't remember them all.</p> <p>15 Q And is the decision to translate the handbook</p> <p>16 into another language that it hasn't been translated</p> <p>17 into already based on who is housed at Stewart?</p> <p>18 A Yes.</p> <p>19 Q Okay. And at what point would you decide</p> <p>20 "Oh, we need to get the handbook translated to this</p> <p>21 other language"?</p> <p>22 A We really just look at the numbers. I don't</p> <p>23 know if we have a set number. Obviously, if we have</p> <p>24 one person, it would be challenging to do that because</p> <p>25 there's, specifically, so many dialects of different</p>

<p style="text-align: right;">Page 262</p> <p>1 RUSSELL WASHBURN</p> <p>2 languages. If we have one or two individuals, we'd use</p> <p>3 the LanguageLine to provide that assistance to it for</p> <p>4 us. But there's no set number that I'm aware of that</p> <p>5 says if you have X amount that speak this specific</p> <p>6 language -- in fact, we exceed PBNDS standard</p> <p>7 requirements for the number of translations that we</p> <p>8 actually physically have.</p> <p>9 Q Does the FSC approve the Stewart handbook?</p> <p>10 A No.</p> <p>11 Q Is the FSC provided a copy of the handbook</p> <p>12 when it's revised?</p> <p>13 A I don't believe so.</p> <p>14 Q So the managing director doesn't have a copy</p> <p>15 of the current Stewart handbook?</p> <p>16 A I don't believe he would.</p> <p>17 Q Let's look at page 32 of this document.</p> <p>18 Okay, and this is the discipline section of</p> <p>19 the handbook, right?</p> <p>20 A Yes, it is.</p> <p>21 Q Okay. And let's scroll down to where the --</p> <p>22 if that's the start -- there we go.</p> <p>23 So this portion of the handbook lists rule</p> <p>24 violations for which detained people can be sanctioned,</p> <p>25 correct?</p>	<p style="text-align: right;">Page 263</p> <p>1 RUSSELL WASHBURN</p> <p>2 A Yes, ma'am.</p> <p>3 Q And are these all of the offenses that are in</p> <p>4 the PBNDS?</p> <p>5 A I believe they are.</p> <p>6 Q Are there any offenses in here that aren't in</p> <p>7 the PBNDS?</p> <p>8 A I do not believe there is.</p> <p>9 Q And the handbook also lists the possible</p> <p>10 sanctions for each rule violation?</p> <p>11 A Yes.</p> <p>12 Q So every detained person at Stewart is made</p> <p>13 aware of the rules and the possible sanctions for</p> <p>14 violating them, correct?</p> <p>15 A Correct.</p> <p>16 Q Are the sanctions listed here consistent with</p> <p>17 the PBNDS?</p> <p>18 A Yes, I believe they're directly from the</p> <p>19 PBNDS.</p> <p>20 Q Okay. And they include segregation, correct?</p> <p>21 A Yes.</p> <p>22 Q Loss of commissary?</p> <p>23 A Yes.</p> <p>24 Q Loss of visits?</p> <p>25 A When we have visits, yes.</p>
<p style="text-align: right;">Page 264</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q And loss of phone calls?</p> <p>3 A I believe so, yes.</p> <p>4 MS. SANDLEY: Let's scroll down, Jackie,</p> <p>5 to the next page. Can we scroll down more.</p> <p>6 Okay.</p> <p>7 Q (By Ms. Sandley) And here in the "High</p> <p>8 Offense Category," loss of job is a possible sanction?</p> <p>9 A Yes.</p> <p>10 Q Do you see that?</p> <p>11 A Where are -- yes, loss of job, I see it.</p> <p>12 Q Is that sanction listed as a possible</p> <p>13 sanction in the PBNDS?</p> <p>14 A Yes, I believe it is.</p> <p>15 Q The sanctions listed here -- let's look at</p> <p>16 the disciplinary segregation, for example. It says up</p> <p>17 to 30 days. So that's up to CoreCivic's discretion on</p> <p>18 how many days of segregation are imposed as the</p> <p>19 sanction, correct?</p> <p>20 A Correct. And then ICE is a part of that</p> <p>21 review every seven days and certainly -- say we need to</p> <p>22 release a person, they have the ability to require us</p> <p>23 to release them.</p> <p>24 Q And then loss of privileges, is that</p> <p>25 typically imposed for a set number of days?</p>	<p style="text-align: right;">Page 265</p> <p>1 RUSSELL WASHBURN</p> <p>2 A Yes, ma'am. You know, to be consistent, the</p> <p>3 disciplinary hearing officer would have, you know,</p> <p>4 previous disciplinaries of that nature and what that</p> <p>5 looked like, so we're consistent.</p> <p>6 Q PBNDS doesn't define any of the offenses</p> <p>7 listed here beyond the text we see here, correct?</p> <p>8 A Not that I'm aware of.</p> <p>9 Q So it's up to CoreCivic staff to identify</p> <p>10 instances of these offenses, correct?</p> <p>11 A I don't think I understand. You're asking me</p> <p>12 which would be the appropriate --</p> <p>13 Q Uh-huh.</p> <p>14 A -- category to apply -- then, yes, we would</p> <p>15 evaluate the infraction and then apply it to the most</p> <p>16 applicable rule violation.</p> <p>17 Q Okay. And, for example, with the work</p> <p>18 stoppage offense, PBNDS doesn't define work stoppage,</p> <p>19 right?</p> <p>20 A That's correct.</p> <p>21 Q So that's up to CoreCivic to define work</p> <p>22 stoppage, right?</p> <p>23 A Correct.</p> <p>24 Q And to determine whether a specific incident</p> <p>25 qualifies as a work stoppage, correct?</p>

<p style="text-align: right;">Page 266</p> <p>1 RUSSELL WASHBURN</p> <p>2 A That's correct.</p> <p>3 Q Okay. And the handbook itself also doesn't</p> <p>4 define any of these offenses beyond what's written</p> <p>5 here, correct?</p> <p>6 A No. That's what we're looking at, is the</p> <p>7 handbook.</p> <p>8 Q Okay. Does the CoreCivic discipline policy</p> <p>9 define any of these offenses further?</p> <p>10 A I do not believe so, no.</p> <p>11 Q Are CoreCivic staff at Stewart trained on how</p> <p>12 to identify certain rule violations?</p> <p>13 MR. LEE: Object to form.</p> <p>14 THE WITNESS: They're educated on the</p> <p>15 standard and they're educated on the policy,</p> <p>16 and so to that degree, yes. To say that</p> <p>17 they're given every scenario and this is the</p> <p>18 appropriate code, I don't know that you could</p> <p>19 do a training on that.</p> <p>20 Q (By Ms. Sandley) So there is not a training</p> <p>21 provided to CoreCivic staff where they walk through</p> <p>22 scenarios or hypotheticals and learn to define the</p> <p>23 offenses that way; is that correct?</p> <p>24 MR. LEE: Object to form.</p> <p>25 THE WITNESS: We have disciplinary</p>	<p style="text-align: right;">Page 267</p> <p>1 RUSSELL WASHBURN</p> <p>2 training. And, like I said, it's a highlight</p> <p>3 of the curriculum, the policies, and the</p> <p>4 standards, but not specific to every</p> <p>5 scenario, no.</p> <p>6 MS. SANDLEY: Okay.</p> <p>7 Q (By Ms. Sandley) And CoreCivic staff are</p> <p>8 expected to implement the discipline policy uniformly</p> <p>9 across the facility, right?</p> <p>10 A That's correct.</p> <p>11 Q And as far as CoreCivic knows, that's what's</p> <p>12 happening at Stewart; is that right?</p> <p>13 A That's correct.</p> <p>14 Q Let's look at the next exhibit, No. 28,</p> <p>15 CCBVA106421.</p> <p>16 (Exhibit 28 marked for identification.)</p> <p>17 Q (By Ms. Sandley) Okay, and this is the food</p> <p>18 service post order from Stewart, correct?</p> <p>19 A I don't see anything.</p> <p>20 Q Oh, sorry.</p> <p>21 A Oh, there we go. It kicked off for some</p> <p>22 reason on my end. Sorry. Yes, it is.</p> <p>23 Q Okay. And this one is effective January</p> <p>24 30 -- oh, sorry, at Stewart March 31, 2017.</p> <p>25 Do you know if this is the post order</p>
<p style="text-align: right;">Page 268</p> <p>1 RUSSELL WASHBURN</p> <p>2 currently in effect at Stewart?</p> <p>3 A I believe it is. I mean, it's time for</p> <p>4 review, but yes, I believe it is.</p> <p>5 Q The FSC creates post orders?</p> <p>6 A Yes.</p> <p>7 Q And are all officers assigned to a post</p> <p>8 required to follow the post order for their post?</p> <p>9 A Yes.</p> <p>10 MS. SANDLEY: All right, we can take</p> <p>11 this exhibit down.</p> <p>12 Q (By Ms. Sandley) Are you aware that there</p> <p>13 have been instances at Stewart when detained people</p> <p>14 were disciplined for refusing to work?</p> <p>15 MR. LEE: Object to form.</p> <p>16 THE WITNESS: In what period of time?</p> <p>17 MS. SANDLEY: During the relevant period</p> <p>18 for this case.</p> <p>19 THE WITNESS: Without seeing the</p> <p>20 document, no.</p> <p>21 Q (By Ms. Sandley) You're not aware?</p> <p>22 A No.</p> <p>23 Q Okay. Are you aware that people detained at</p> <p>24 Stewart have been disciplined for asking for the pay</p> <p>25 they were promised?</p>	<p style="text-align: right;">Page 269</p> <p>1 RUSSELL WASHBURN</p> <p>2 MR. LEE: Object to form.</p> <p>3 THE WITNESS: No, I'm not aware of that.</p> <p>4 Q (By Ms. Sandley) Stewart's segregation unit</p> <p>5 is a cell unit, correct?</p> <p>6 A Yes.</p> <p>7 Q And it's Unit 7?</p> <p>8 A 7 Alpha, correct, yes.</p> <p>9 Q Okay. And it includes both administrative</p> <p>10 segregation and disciplinary segregation?</p> <p>11 A Yes.</p> <p>12 Q And people on suicide or mental health watch</p> <p>13 are also sometimes housed in Unit 7 Alpha, correct?</p> <p>14 A Yes, ma'am, they are.</p> <p>15 Q And individuals housed in segregation at</p> <p>16 Stewart are locked in their cells unless they're</p> <p>17 specifically allowed out for a certain activity,</p> <p>18 correct?</p> <p>19 A That's correct.</p> <p>20 MR. LEE: Object to form.</p> <p>21 Q (By Ms. Sandley) And those activities</p> <p>22 include recreation?</p> <p>23 A Yes.</p> <p>24 Q They include medical care?</p> <p>25 A Yes.</p>

<p style="text-align: right;">Page 270</p> <p style="text-align: center;">RUSSELL WASHBURN</p> <p>1 Q Legal visits?</p> <p>2 A Yes.</p> <p>3 Q Limited visitation?</p> <p>4 A They have tablets now, so they can do, obviously, visitation within their cell or -- so yes.</p> <p>5 Q Is in-person visitation allowed right now at Stewart?</p> <p>6 A No, ma'am.</p> <p>7 Q Okay. Do you know if before COVID people in segregation at Stewart were allowed limited in-person visitation?</p> <p>8 A I do not know. I mean, just across CoreCivic, typically inmates and detainees are allowed, they have designated times for appropriate visits.</p> <p>9 Q Are there any other activities that people in segregation are allowed out of their cells for?</p> <p>10 A They do allow them out to watch movies for administrative or the ones that may be down there that are for a medical purpose.</p> <p>11 Now, if they're on suicide watch, they wouldn't be allowed out. They would be under direct supervision, meaning if we had somebody in that particular cell, there would be an officer sitting directly outside of that cell 24/7 keeping a constant</p>	<p style="text-align: right;">Page 271</p> <p style="text-align: center;">RUSSELL WASHBURN</p> <p>1 observation on them. And they're a threat, obviously, to themselves, so we would follow the direction of mental health as far as what activities that they would be allowed out of cell for and doing those things.</p> <p>2 But, yeah, we do have a table in the day room that they do allow them -- not disciplinary, but the administrative to come out.</p> <p>3 Q So people in disciplinary segregation are not allowed out of their cell to sit in the table in the day room, correct?</p> <p>4 A That's correct.</p> <p>5 Q They're not allowed out of their cells to watch movies, correct?</p> <p>6 A That's correct. Now, still, the movies are shown and they can watch through their window, but not actually physically go out and sit in the day room.</p> <p>7 Q Do you know about how many hours per week people in administrative segregation are allowed out of their cells to watch movies?</p> <p>8 A Not specific to movies, no.</p> <p>9 Q Is there a policy requiring that?</p> <p>10 A No.</p> <p>11 Q Okay. Is it up to the officer assigned to segregation to decide?</p>
<p style="text-align: right;">Page 272</p> <p style="text-align: center;">RUSSELL WASHBURN</p> <p>1 A As far as what, coming out to watch TV?</p> <p>2 Q Uh-huh.</p> <p>3 A Yes. Now, there is expectations and standards for showers and recreation and out-of-cell time for that period, but not specifically to watch TV.</p> <p>4 Q Okay. That was where I was going to go next. The recreation in segregation is limited to one hour five days per week; is that right?</p> <p>5 A That's what the standard is, but we offer two hours to everybody.</p> <p>6 Q Okay. To everybody in disciplinary segregation?</p> <p>7 A Disciplinary or administrative.</p> <p>8 Q Okay, and that's -- and is it still limited to five days per week?</p> <p>9 A Yes, it is.</p> <p>10 Q Okay. Do people get that two hours a day every day?</p> <p>11 A Yes.</p> <p>12 Q And that amount of recreation time, is that less than what is offered in general population?</p> <p>13 A Not currently under the COVID protocols. Each are offered at least one hour out of -- for recreation for the general housing currently because of</p>	<p style="text-align: right;">Page 273</p> <p style="text-align: center;">RUSSELL WASHBURN</p> <p>1 the number of quarantine pods, cohort pods, and the requirement to keep everybody separated and still access those yards.</p> <p>2 Q Before COVID, would two hours per day of recreation time five days a week have been less than what is offered in general population?</p> <p>3 A Yes, it would have been less than.</p> <p>4 Q Okay. And the property that people detained in segregation are allowed to have is limited, correct?</p> <p>5 A For disciplinary, yes. For administrative, no.</p> <p>6 Q The items people in segregation can purchase in commissary are limited, correct?</p> <p>7 A Again, for administrative, I don't believe so. Disciplinary, yes, but not for administrative.</p> <p>8 Q And phone access in segregation is limited, correct?</p> <p>9 A For disciplinary.</p> <p>10 Q Okay, so it's less than what they would have in the general population, correct?</p> <p>11 A Correct.</p> <p>12 Q And what is law library access in segregation like at Stewart?</p> <p>13 A Well, we have a law library in restrictive</p>

<p style="text-align: right;">Page 274</p> <p>1 RUSSELL WASHBURN</p> <p>2 housing, and so really it's kind of unimpeded. So</p> <p>3 they -- officers -- there's no requirement to say you</p> <p>4 can only go once a day or whether you can go 10 times a</p> <p>5 day. And that's the reason that we have it in</p> <p>6 restrictive housing, to allow that access as necessary.</p> <p>7 Q Is the law library in segregation a room?</p> <p>8 A Yes.</p> <p>9 Q Okay. Could two people in disciplinary</p> <p>10 segregation be in the law library together?</p> <p>11 A No.</p> <p>12 Q And, then, people in the segregation at</p> <p>13 Stewart shower three times a week, correct?</p> <p>14 A For disciplinary -- we pretty much offer it</p> <p>15 for administrative, I think, daily; but for</p> <p>16 disciplinary, I think that's correct.</p> <p>17 Q And people in general population can shower</p> <p>18 every day if they choose to, correct?</p> <p>19 A That's correct.</p> <p>20 MS. SANDLEY: All right, why don't we</p> <p>21 take a quick 10-minute break. Is that okay</p> <p>22 with you, Warden?</p> <p>23 THE WITNESS: Works for me. I'll run</p> <p>24 out to the restroom. Thank you.</p> <p>25 (Recess taken.)</p>	<p style="text-align: right;">Page 275</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q (By Ms. Sandley) All right, Warden Washburn,</p> <p>3 we're going to move on to food now, okay?</p> <p>4 A Okay.</p> <p>5 Q I hope you got a snack on the break.</p> <p>6 Is CoreCivic responsible for ensuring</p> <p>7 that people detained at Stewart are provided</p> <p>8 nutritionally adequate food?</p> <p>9 A Yes.</p> <p>10 Q And who at CoreCivic is responsible for</p> <p>11 overseeing the provision of food services at Stewart?</p> <p>12 A The assistant warden of operations, as far as</p> <p>13 CoreCivic goes, is the direct oversight and then</p> <p>14 obviously through me -- or to me, but Trinity food</p> <p>15 service also have a food service supervisor and an</p> <p>16 assistant shift supervisor that's here at the facility.</p> <p>17 And then they have their headquarters, for lack of</p> <p>18 understanding what they call themselves, leadership as</p> <p>19 well that would oversight the food service manager.</p> <p>20 Q And who at CoreCivic is responsible for</p> <p>21 overseeing the Trinity contract?</p> <p>22 A Mr. Musil [phonetic], I believe, is the last</p> <p>23 name.</p> <p>24 Q Is he a person who works in the FSC?</p> <p>25 A He is. He replaced the John Gimesh that we</p>
<p style="text-align: right;">Page 276</p> <p>1 RUSSELL WASHBURN</p> <p>2 referenced earlier. He's -- I think there's been</p> <p>3 several others between Gimesh and him, but he's in that</p> <p>4 role, so I guess he'd be the director.</p> <p>5 Q Okay. Does CoreCivic exercise oversight over</p> <p>6 Trinity's food services at Stewart?</p> <p>7 A At all of the CoreCivic sites, yes.</p> <p>8 Q And what does that look like at Stewart?</p> <p>9 A In what regard?</p> <p>10 Q How does CoreCivic exercise oversight over</p> <p>11 Trinity's provision of food services at Stewart?</p> <p>12 A Got you. So, I mean, through audit</p> <p>13 mechanisms, part of the operational audit is measuring</p> <p>14 the policies and the standards that are applicable</p> <p>15 there. Communications with Trinity on a regular basis,</p> <p>16 as well as the assistant warden of operations -- or,</p> <p>17 I'm sorry, assistant warden of programs.</p> <p>18 Q So the audit tool developed by FSC that we</p> <p>19 looked at earlier, is that one of the ways --</p> <p>20 A Yes, ma'am.</p> <p>21 Q -- CoreCivic exercises oversight over</p> <p>22 Trinity?</p> <p>23 A Yes.</p> <p>24 Q Who creates the menus at Stewart?</p> <p>25 A They are produced by Trinity and approved by</p>	<p style="text-align: right;">Page 277</p> <p>1 RUSSELL WASHBURN</p> <p>2 a licensed dietitian.</p> <p>3 Q Does CoreCivic have to approve the menus?</p> <p>4 A Yes.</p> <p>5 Q Is that someone at CoreCivic FSC?</p> <p>6 A FSC approves and I also sign as the approval</p> <p>7 once FSC has agreed and signed off on it and the</p> <p>8 dietitian as well.</p> <p>9 Q Has the Trinity dietitian ever visited</p> <p>10 Stewart?</p> <p>11 A Not since -- not that I'm aware of since I've</p> <p>12 been here. I can't speak from the duration of, but not</p> <p>13 since I've been here that I can recall.</p> <p>14 Q Okay. And has CoreCivic ever refused to give</p> <p>15 final approval to Trinity menus?</p> <p>16 A Not that I'm --</p> <p>17 MR. LEE: Object.</p> <p>18 THE WITNESS: Sorry.</p> <p>19 Not that I'm aware of.</p> <p>20 Q (By Ms. Sandley) Has CoreCivic ever sent</p> <p>21 menus back for revision?</p> <p>22 MR. LEE: Object to form.</p> <p>23 THE WITNESS: Can you specify -- what do</p> <p>24 you mean by "revision"?</p> <p>25 Q (By Ms. Sandley) Has CoreCivic ever asked</p>

<p style="text-align: right;">Page 278</p> <p>1 RUSSELL WASHBURN</p> <p>2 Trinity to change a menu before it was implemented?</p> <p>3 MR. LEE: Object to form.</p> <p>4 THE WITNESS: No, I mean -- I mean,</p> <p>5 there's been recommendations and suggestions</p> <p>6 to change menu items, specifically if you've</p> <p>7 got a specific meal or item on the menu that</p> <p>8 is not necessarily popular amongst the</p> <p>9 population. You know, you have those</p> <p>10 conversations that occur locally. But,</p> <p>11 again, it has to go through that approval</p> <p>12 process, it has to go through the dietitian</p> <p>13 before you can just simply remove an item and</p> <p>14 replace it with a different item.</p> <p>15 MS. SANDLEY: Okay.</p> <p>16 Q (By Ms. Sandley) So when an item is changed</p> <p>17 on the menu, that has to be approved by FSC, correct?</p> <p>18 A That's correct.</p> <p>19 Q Are menus also approved by ICE?</p> <p>20 A Yes. I don't know that they require it. I</p> <p>21 can tell you that I've sent the menu to ICE to ensure</p> <p>22 that they had no concerns with it, but as far as -- I</p> <p>23 don't believe there's a requirement.</p> <p>24 (Exhibit 29 marked for identification.)</p> <p>25 MS. SANDLEY: Let's look at Exhibit 29.</p>	<p style="text-align: right;">Page 279</p> <p>1 RUSSELL WASHBURN</p> <p>2 And this is Bates number ICE-Barrientos 12202</p> <p>3 [sic]. Let's go to the next page. Sorry,</p> <p>4 Jackie, can you scroll up to see who this</p> <p>5 email is sent to.</p> <p>6 Q (By Ms. Sandley) All right, so this is -- do</p> <p>7 you know who any of these people are in the "From,"</p> <p>8 "Sent," "To," "cc" lines?</p> <p>9 A I know John Bretz. That's the only one I</p> <p>10 know on the list up there.</p> <p>11 Q Okay. And he's someone who works for ICE,</p> <p>12 correct?</p> <p>13 A He no longer works for ICE, but he did when I</p> <p>14 arrived.</p> <p>15 Q Okay. And I'm looking at where it says</p> <p>16 "SDC Situation Report." This is dated September 5th,</p> <p>17 2015, right?</p> <p>18 A Correct.</p> <p>19 Q Okay. Do you -- I want to scroll down. This</p> <p>20 is in the first bullet point, sort of towards the end</p> <p>21 of that paragraph.</p> <p>22 It says, "AW Blue informed me that detainees</p> <p>23 would start receiving boiled eggs twice a week with</p> <p>24 breakfast next week, and that they were working to</p> <p>25 improve the taste of some of the food items such as</p>
<p style="text-align: right;">Page 280</p> <p>1 RUSSELL WASHBURN</p> <p>2 oatmeal served for breakfast." Do you see that?</p> <p>3 A Yes, I do.</p> <p>4 Q And AW Blue was a CoreCivic employee at</p> <p>5 Stewart, correct?</p> <p>6 A That's correct.</p> <p>7 Q Do you know if there was a time at Stewart</p> <p>8 when detained people didn't receive eggs for breakfast?</p> <p>9 A I do not know without looking back at the</p> <p>10 record.</p> <p>11 Q Okay.</p> <p>12 MR. LEE: Object to form.</p> <p>13 MS. SANDLEY: Jackie, can we scroll down</p> <p>14 a little more. Okay.</p> <p>15 Q (By Ms. Sandley) And then do you see the</p> <p>16 bullet point where it says, "Detainees made complaints</p> <p>17 about food services, no milk, no eggs, and commissary"?</p> <p>18 A I do.</p> <p>19 Q Do you know if there was a time at Stewart</p> <p>20 when detained people weren't provided milk?</p> <p>21 A Not without looking at the record.</p> <p>22 MS. SANDLEY: All right, let's take this</p> <p>23 exhibit down. We'll also be sure to drop it</p> <p>24 in the chat. Sorry about that, Jacob.</p> <p>25 Q (By Ms. Sandley) Who determines the caloric</p>	<p style="text-align: right;">Page 281</p> <p>1 RUSSELL WASHBURN</p> <p>2 intake for the menus set at Stewart?</p> <p>3 A The licensed dietitian.</p> <p>4 Q Okay. And do you know if that caloric intake</p> <p>5 amount has decreased in the last two years?</p> <p>6 A I don't know, no.</p> <p>7 Q And the FSC would have to approve any change</p> <p>8 in that caloric intake, correct?</p> <p>9 A That's correct.</p> <p>10 Q You talked earlier about meal monitoring</p> <p>11 forms, correct?</p> <p>12 A Yes.</p> <p>13 Q Who all at Stewart completes meal monitoring</p> <p>14 forms?</p> <p>15 A All of the administrative duty staff, which</p> <p>16 would be inclusive of the warden, assistant wardens,</p> <p>17 chief of security, chief of unit management, assistant</p> <p>18 chief of security, shift supervisors, unit managers,</p> <p>19 and assistant shift supervisors.</p> <p>20 Q And are those people trained on how to</p> <p>21 complete the meal monitoring forms?</p> <p>22 A Yes.</p> <p>23 Q How are they trained?</p> <p>24 A They're trained through on-the-job training</p> <p>25 and supervisor training that they undertake. So they</p>

<p style="text-align: right;">Page 282</p> <p>1 RUSSELL WASHBURN</p> <p>2 physically take them to the kitchen, walk them through</p> <p>3 the process of what they're looking for, how to measure</p> <p>4 for compliance, whether it's recipe adherence to</p> <p>5 temperature requirements.</p> <p>6 The form also contains what the requirements</p> <p>7 are as far as hot foods, what is the temperature</p> <p>8 required to be, what are the cold food temperatures,</p> <p>9 and it's right on the bottom of the form, so they can</p> <p>10 tell whether or not it's within the appropriate range.</p> <p>11 And then they also talk about the sanitation</p> <p>12 of the line to ensure that it's kept clean at all</p> <p>13 times, that they're temping the food, as one pan runs</p> <p>14 out, that before they start serving out the next pan,</p> <p>15 it's re-temped to verify that it's at the required temp</p> <p>16 before they continue -- continue the line. If there's</p> <p>17 any issues with the food production or process, to stop</p> <p>18 it until that --</p> <p>19 MS. SANDLEY: Warden, I think we lost</p> <p>20 you for just a second.</p> <p>21 Michelle, did you get all that?</p> <p>22 THE WITNESS: It jumped, so -- sorry.</p> <p>23 (Discussion off the record.)</p> <p>24 Q (By Ms. Sandley) If something is found to be</p> <p>25 noncompliant by a staff person completing a meal</p>	<p style="text-align: right;">Page 283</p> <p>1 RUSSELL WASHBURN</p> <p>2 monitoring form, is corrective action required to be</p> <p>3 taken?</p> <p>4 A Depending on what the issue is. There's</p> <p>5 certain criteria that -- what we call a food service</p> <p>6 incident report that would be completed. It would then</p> <p>7 be sent to the food service manager and Trinity, and</p> <p>8 then they would be required to do a corrective action</p> <p>9 plan on that particular issue.</p> <p>10 Now, again, if it was a simple thing, that</p> <p>11 the food in the container didn't temp out at that given</p> <p>12 second and it was resolved, you know, by putting it</p> <p>13 back into either the warmer or putting it back into the</p> <p>14 cooler, nothing was served, then that wouldn't be a</p> <p>15 food service complaint. But if we run out of food or</p> <p>16 run out of a product and then they have to cook more</p> <p>17 and there's a 15-minute delay, that can result in a</p> <p>18 food service incident report being filed.</p> <p>19 Q What types of -- all right, so a delay could</p> <p>20 result in an incident report being filed, correct?</p> <p>21 A It could, yes.</p> <p>22 Q Okay. What other types of incidents?</p> <p>23 A Again, if there was -- trying to do an</p> <p>24 unapproved substitution for an item, then -- you know,</p> <p>25 you go in and you find the menu says you're providing</p>
<p style="text-align: right;">Page 284</p> <p>1 RUSSELL WASHBURN</p> <p>2 these specific products and we find that we're serving</p> <p>3 Jell-O in place of cookies and that wasn't</p> <p>4 pre-approved, then that could result in an incident</p> <p>5 report.</p> <p>6 Q What if a detained person finds a foreign</p> <p>7 object in their food, should that result in an incident</p> <p>8 report?</p> <p>9 MR. LEE: Object to form.</p> <p>10 THE WITNESS: It could. Obviously it</p> <p>11 would have to be verified that there was a</p> <p>12 product in there or something in the food;</p> <p>13 but, yes, it could result in one.</p> <p>14 Q (By Ms. Sandley) Would it necessarily have</p> <p>15 to result in an incident report?</p> <p>16 MR. LEE: Object to form.</p> <p>17 THE WITNESS: Not necessarily. I'll</p> <p>18 give an example. If you've got dried beans,</p> <p>19 there's certainly a chance that you may find</p> <p>20 a rock or a piece of rock sometimes in dried</p> <p>21 beans. If it was, you know,</p> <p>22 [indiscernible] -- if it was something that</p> <p>23 was potentially deliberately placed into the</p> <p>24 food, then there could be one that would</p> <p>25 result in that.</p>	<p style="text-align: right;">Page 285</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q (By Ms. Sandley) So only if an object is</p> <p>3 deliberately placed in food is a food incident report</p> <p>4 completed?</p> <p>5 MR. LEE: Object to form.</p> <p>6 THE WITNESS: I won't say only. I mean,</p> <p>7 each situation is going to be different, but</p> <p>8 there's not anything that I'm aware of that</p> <p>9 says if these specific items are found in</p> <p>10 food, you must do a food service incident</p> <p>11 report.</p> <p>12 MS. SANDLEY: Okay.</p> <p>13 Q (By Ms. Sandley) And where are those forms</p> <p>14 maintained?</p> <p>15 A They're part of our policy. I believe it's</p> <p>16 11 dash -- it's a letter -- 11-1(I), I think, is the</p> <p>17 food service incident report, but it's part of our 11-1</p> <p>18 policy.</p> <p>19 Q Okay. Who keeps the completed incident</p> <p>20 report forms?</p> <p>21 A The assistant warden of programs would</p> <p>22 maintain the original; and then, again, the copy would</p> <p>23 go to the food service manager, as well as to Trinity</p> <p>24 leadership, and they would be required then to do a</p> <p>25 corrective action plan to address whatever that</p>

<p>1 RUSSELL WASHBURN</p> <p>2 situation may be.</p> <p>3 Q Okay.</p> <p>4 MS. SANDLEY: Let's look at the next</p> <p>5 exhibit, Exhibit 30, and it's CCBVA218211</p> <p>6 [sic].</p> <p>7 (Exhibit 30 marked for identification.)</p> <p>8 Q (By Ms. Sandley) Okay, this is an email from</p> <p>9 John Gimesh to Bill Spivey. Do you see that?</p> <p>10 A Yes.</p> <p>11 Q Okay. Do you know who Bill Spivey is?</p> <p>12 A Bill Spivey was a previous warden here at</p> <p>13 Stewart.</p> <p>14 Q Okay. And this email has several</p> <p>15 attachments, and the subject line is "Meal Monitoring."</p> <p>16 Do you see that?</p> <p>17 A I do.</p> <p>18 Q Okay. Let's look at one of the attachments,</p> <p>19 PDF page 8. Have you seen this document before?</p> <p>20 A It looks familiar, yes.</p> <p>21 Q Is this the training on meal monitoring</p> <p>22 that's currently provided at Stewart?</p> <p>23 A I believe so, yes.</p> <p>24 Q And who receives this training?</p> <p>25 A It would be any of the supervisors and</p>	<p>1 RUSSELL WASHBURN</p> <p>2 managers.</p> <p>3 Q Okay.</p> <p>4 A Well, not any managers. Security supervisors</p> <p>5 and managers.</p> <p>6 Q Let's look at the next page. We're going to</p> <p>7 look at No. 11.</p> <p>8 All right, it says, "Get a completed tray</p> <p>9 from the serving line. Taste food in any area, other</p> <p>10 except on the main line."</p> <p>11 And then I'm looking at the third bullet</p> <p>12 point. It says, "Record your evaluation on monitoring</p> <p>13 form and any comments you may have and review with</p> <p>14 person in charge of the kitchen supervisor."</p> <p>15 Who is the person in charge of the kitchen</p> <p>16 supervisor?</p> <p>17 A It depends on the time. It would be Trinity</p> <p>18 staff, you know, during day shift, that may be the</p> <p>19 actual food service supervisor that actually supervises</p> <p>20 and the staff in the kitchen, meaning Trinity staff.</p> <p>21 But after hours, like early in the morning, 2 or 3</p> <p>22 o'clock in the morning, it may be the actual food</p> <p>23 service worker, Trinity staff member, that you have to</p> <p>24 address any concerns that you may have.</p> <p>25 Q Okay, let's go to the next page. This page</p>
<p>1 RUSSELL WASHBURN</p> <p>2 lists -- at the top, a list in optional exercise.</p> <p>3 A Uh-huh.</p> <p>4 Q Is this -- you can take a minute to read it.</p> <p>5 Is this done at Stewart?</p> <p>6 A Yes. That's kind of what I was talking</p> <p>7 about, when we take them into the kitchen and we walk</p> <p>8 them through the proper techniques and methods, those</p> <p>9 things would be talked about, you know, how should you</p> <p>10 handle, those are all scenario-based and talking</p> <p>11 through that. So I won't say we hit every bullet</p> <p>12 that's listed out here, but yes.</p> <p>13 Q Okay. And have there been incidents that</p> <p>14 you're aware of when meal service at Stewart was</p> <p>15 stopped or delayed to address one of those issues?</p> <p>16 A I would say if it -- the ones I'm aware of,</p> <p>17 it would be a temperature issue, either below</p> <p>18 temperature or above temperature, depending on the</p> <p>19 product, until that item could be replaced with a</p> <p>20 product that is within the required temperature.</p> <p>21 Q Okay. And then the next section of this --</p> <p>22 let's scroll down -- "Observing Meal Service." Yeah,</p> <p>23 and I'm looking at the "At This Facility" section</p> <p>24 that's on the next page. And it says, "Your facility</p> <p>25 may require you to do any combination of these tasks</p>	<p>1 RUSSELL WASHBURN</p> <p>2 weekly and provide a report on the outcomes."</p> <p>3 What on these -- what on this list is Stewart</p> <p>4 required to do?</p> <p>5 A We look at the three-day pulls, the recipes;</p> <p>6 of course, check hair nets and gloves daily, hand</p> <p>7 washing. The AW of operations obviously monitors the</p> <p>8 deep-cleaning schedule. Really, all of these things</p> <p>9 that we...</p> <p>10 Q Is a section of the kitchen QA audit</p> <p>11 completed weekly?</p> <p>12 A No. That's probably the only component that</p> <p>13 I'm looking at that's not physically completed weekly.</p> <p>14 Q And what about --</p> <p>15 A And some of -- I'm sorry.</p> <p>16 Q No, I'm sorry. You finish.</p> <p>17 A And some of these things are done, like I</p> <p>18 said, daily, like checking the hair nets and the gloves</p> <p>19 and those type things. That's stuff that's all</p> <p>20 monitored and checked daily.</p> <p>21 Q Okay. And is every one of these things that</p> <p>22 you said is completed documented?</p> <p>23 A To say we document everything that we do, no,</p> <p>24 I wouldn't say that they are.</p> <p>25 Q Okay.</p>

<p>1 RUSSELL WASHBURN</p> <p>2 MS. SANDLEY: Let's take this exhibit</p> <p>3 down. And I want to look at Exhibit</p> <p>4 CCBVA106052, the food service policy.</p> <p>5 (Exhibit 31 marked for identification.)</p> <p>6 Q (By Ms. Sandley) All right, and this is the</p> <p>7 food service policy for Stewart, correct?</p> <p>8 A Yes, ma'am.</p> <p>9 Q Do you know if there's a more recent version</p> <p>10 of this policy currently in effect?</p> <p>11 A I do not know without looking at our</p> <p>12 directory, but I'm going to assume this is the most</p> <p>13 current.</p> <p>14 Q And are all CoreCivic staff expected to</p> <p>15 comply with this policy?</p> <p>16 A Yes.</p> <p>17 Q Are all Trinity staff expected to comply with</p> <p>18 this policy?</p> <p>19 A Yes.</p> <p>20 Q Let's look at PDF page 11. I'm looking at</p> <p>21 K(3). It says, "Food shall not be withheld, nor the</p> <p>22 standard menu varied, as a disciplinary sanction for an</p> <p>23 individual inmate/resident. This does not preclude</p> <p>24 rewarding groups of inmates/residents with special</p> <p>25 foods in return for special services under special</p>	<p>Page 290</p> <p>1 RUSSELL WASHBURN</p> <p>2 circumstances."</p> <p>3 What are special services that might permit</p> <p>4 using food as a reward at Stewart?</p> <p>5 A I don't know that those special services -- I</p> <p>6 mean, it can be -- how that's truly defined, I can tell</p> <p>7 you what -- you know, we've done it here in the past</p> <p>8 where, really, just as an incentive to -- an</p> <p>9 appreciation for them volunteering to work in various</p> <p>10 areas. And, again, that's in addition to, not in</p> <p>11 replace of the monies that are required to be paid</p> <p>12 based on the approved amount per the area they're</p> <p>13 working in.</p> <p>14 So that's how we would typically use it. You</p> <p>15 know, if we did -- you know, on holidays, we do a big</p> <p>16 meal. So the process would be a little bit harder on</p> <p>17 them and be a little more demanding. So we may reward</p> <p>18 them with some food or some other kind of special item</p> <p>19 as a token of appreciation for all their hard work and</p> <p>20 getting the product out in a safe and timely manner.</p> <p>21 Q Okay. So apart from providing extra food to</p> <p>22 detained workers to show appreciation, as you said, and</p> <p>23 then on occasions when workers are doing extra work to</p> <p>24 prepare holiday meals, are there any other special</p> <p>25 circumstances when food is used as a reward at Stewart?</p>
<p>1 RUSSELL WASHBURN</p> <p>2 A Not that I'm aware of, no.</p> <p>3 Q Okay.</p> <p>4 MS. SANDLEY: We can take this exhibit</p> <p>5 down. Let's look at Exhibit 32, CCBVA118425.</p> <p>6 (Exhibit 32 marked for identification.)</p> <p>7 Q (By Ms. Sandley) All right, and what is this</p> <p>8 document, Warden?</p> <p>9 A This is the menu.</p> <p>10 Q Is this the menu currently in effect?</p> <p>11 A It's hard to see. It's pretty blurry, but I</p> <p>12 think so.</p> <p>13 Q Would it help if we zoom in so you can see</p> <p>14 the food items?</p> <p>15 A Maybe, if it doesn't distort the -- it looks</p> <p>16 like it, though. Yes, I believe it is.</p> <p>17 Q Okay. And that's your signature at the</p> <p>18 bottom?</p> <p>19 A Yes, ma'am.</p> <p>20 Q And it's dated 8/31/2020, right?</p> <p>21 A You know what, no, this is not the current</p> <p>22 menu.</p> <p>23 Q Okay. So there's been an updated menu since</p> <p>24 this one?</p> <p>25 A Yes, ma'am.</p>	<p>Page 292</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q Okay. And do you see at the bottom the line</p> <p>3 that says "Dietary Consultant"?</p> <p>4 A Yes.</p> <p>5 Q And the approval date next to that is</p> <p>6 9/25/2019?</p> <p>7 A Yes.</p> <p>8 Q Why was there almost a year in between when</p> <p>9 the dietary consultant and you signed this document?</p> <p>10 A On this one, I would say there was no changes</p> <p>11 since that initial one and this was -- I'm sure was</p> <p>12 brought me for updated signature.</p> <p>13 Q Okay. So you updated your signature, but the</p> <p>14 dietary consultant did not, correct?</p> <p>15 A Right. Because they would have to sign it</p> <p>16 and update it if there were any changes to any of the</p> <p>17 individual menus or meals.</p> <p>18 Q Does the menu ever change at Stewart when the</p> <p>19 population changes?</p> <p>20 MR. LEE: Object to form.</p> <p>21 THE WITNESS: No. I mean, that wouldn't</p> <p>22 drive a change for that.</p> <p>23 Q (By Ms. Sandley) And is this -- we can</p> <p>24 scroll up so you can see the top -- is this the regular</p> <p>25 diet menu for Stewart?</p>

<p>1 RUSSELL WASHBURN</p> <p>2 A Yes, it's regular.</p> <p>3 Q Okay. And I'm looking at the first row in</p> <p>4 the "Breakfast" row. We can zoom in a little bit.</p> <p>5 So on Monday, there's "Dairy Drink" listed.</p> <p>6 Do you see that?</p> <p>7 A Yes.</p> <p>8 Q What's dairy drink?</p> <p>9 A It would be milk.</p> <p>10 Q On Sunday, "Milk" is listed, correct?</p> <p>11 A Yes.</p> <p>12 Q Okay. Are milk and dairy drink different?</p> <p>13 A I wouldn't see how. To my knowledge, we've</p> <p>14 never provided anything other than milk as a dairy</p> <p>15 product, so I don't know of any other product. Why</p> <p>16 would we call one -- differently on one versus the</p> <p>17 other, I'm not sure.</p> <p>18 Q Currently, your testimony is Stewart provides</p> <p>19 milk every morning for --</p> <p>20 A Yes. Yes.</p> <p>21 Q Do you know if there have been times where</p> <p>22 that was not the case at Stewart?</p> <p>23 A I know that with COVID, we've had some issues</p> <p>24 with delivery where they were delayed. I don't know</p> <p>25 that they didn't ultimately get it. I just don't know</p>	<p>Page 294</p> <p>1 RUSSELL WASHBURN</p> <p>2 that it was at the -- right at the scheduled time that</p> <p>3 we would typically do breakfast. So I know just a few</p> <p>4 weeks ago that we literally had to wait for the truck</p> <p>5 to get here because they were an hour and a half</p> <p>6 delayed.</p> <p>7 MR. LEE: Late objection to form.</p> <p>8 Q (By Ms. Sandley) But you don't know whether,</p> <p>9 prior to your time at Stewart, there was instances when</p> <p>10 Stewart didn't provide milk every day for breakfast, do</p> <p>11 you?</p> <p>12 A No, I would not --</p> <p>13 MR. LEE: Object to form. And are you</p> <p>14 asking if he personally knows or if CoreCivic</p> <p>15 knows?</p> <p>16 MS. SANDLEY: I'm asking if he</p> <p>17 personally knows.</p> <p>18 THE WITNESS: I do not, not without</p> <p>19 reviewing the records.</p> <p>20 MS. SANDLEY: Okay.</p> <p>21 Q (By Ms. Sandley) Does CoreCivic know if</p> <p>22 there were times when milk was not provided every day</p> <p>23 at Stewart for breakfast?</p> <p>24 A No. Again, if there was, that could have</p> <p>25 resulted in a food service incident report because that</p>
<p>1 RUSSELL WASHBURN</p> <p>2 would have been a variance from the menu.</p> <p>3 Q Okay, but you don't know what dairy drink is,</p> <p>4 correct?</p> <p>5 A No.</p> <p>6 Q Okay. And you don't know why dairy drink and</p> <p>7 milk are both listed on this menu, correct?</p> <p>8 A I do not.</p> <p>9 Q All right. And I want to look at the second</p> <p>10 row. We can zoom out so we can see all the days.</p> <p>11 There are jalapeño peppers provided two different days</p> <p>12 for lunch. Do you see that?</p> <p>13 A I do.</p> <p>14 Q All right. Fair to say there are some people</p> <p>15 at Stewart who don't like jalapeño peppers because</p> <p>16 they're too spicy?</p> <p>17 MR. LEE: Form, foundation.</p> <p>18 THE WITNESS: I think that's fair to say</p> <p>19 of society as a whole, yes.</p> <p>20 Q (By Ms. Sandley) Have you heard complaints</p> <p>21 about food at Stewart being too spicy?</p> <p>22 A No.</p> <p>23 Q Is CoreCivic aware that detained --</p> <p>24 MS. SANDLEY: We can take this down.</p> <p>25 Q (By Ms. Sandley) Is CoreCivic aware that</p>	<p>Page 296</p> <p>1 RUSSELL WASHBURN</p> <p>2 detained people have raised complaints relating to food</p> <p>3 service at Stewart?</p> <p>4 A Yes.</p> <p>5 Q And those complaints have related to the</p> <p>6 sanitation in the kitchen?</p> <p>7 A I believe there has been some complaints</p> <p>8 regarding that, yes.</p> <p>9 Q And there have been complaints about the</p> <p>10 quality of the food at Stewart?</p> <p>11 A There has, yes.</p> <p>12 Q And there have been complaints about the</p> <p>13 amount of food, correct?</p> <p>14 A There has, yes.</p> <p>15 MS. SANDLEY: Let's look at Exhibit 33,</p> <p>16 CCBVA196386.</p> <p>17 (Exhibit 33 marked for identification.)</p> <p>18 Q (By Ms. Sandley) All right, and this is</p> <p>19 another email from John Gimesh, correct?</p> <p>20 A Yes, ma'am.</p> <p>21 Q And it's to Calvin Blue, who worked at</p> <p>22 Stewart, correct?</p> <p>23 A That's correct.</p> <p>24 Q And Harrell Gray, who also worked at Stewart,</p> <p>25 correct?</p>

<p>1 RUSSELL WASHBURN</p> <p>2 A That's correct.</p> <p>3 Q And Jason Ellis, who was the managing</p> <p>4 director, correct?</p> <p>5 A Correct.</p> <p>6 Q And Mr. Gimesh writes in the first email,</p> <p>7 "Jason, I spoke" -- oh, sorry, let's scroll down to the</p> <p>8 bottom of the thread.</p> <p>9 "Jason, I spoke with Mr. Blue about inmates</p> <p>10 claiming the portion sizes. My recommendation is that</p> <p>11 the captain and ADO complete the email monitoring form</p> <p>12 for each meal." That might be a typo. Could be meal</p> <p>13 monitoring form, right?</p> <p>14 MR. LEE: Foundation.</p> <p>15 THE WITNESS: Where it says "This is our</p> <p>16 best method," is that what you're asking?</p> <p>17 MS. SANDLEY: I'm asking about where it</p> <p>18 says "email monitoring form."</p> <p>19 THE WITNESS: Oh, yes, I would assume</p> <p>20 that's what they're referencing.</p> <p>21 MS. SANDLEY: Okay.</p> <p>22 Q (By Ms. Sandley) And, "This is our best</p> <p>23 method to document that we are serving what is required</p> <p>24 by menu. It covers ports sizes and taste of meal."</p> <p>25 So fair to say, based on this email,</p>	<p>Page 298</p> <p>1 RUSSELL WASHBURN</p> <p>2 Mr. Gimesh was aware that detained people were</p> <p>3 complaining of portion sizes at Stewart, correct?</p> <p>4 MR. LEE: Foundation.</p> <p>5 THE WITNESS: Yeah. Based on the email</p> <p>6 here, yes.</p> <p>7 MS. SANDLEY: Okay.</p> <p>8 Q (By Ms. Sandley) And in the next email,</p> <p>9 Mr. Blue's reply right above this, he said -- you</p> <p>10 replied to the warden and FSD Marrero. That's the food</p> <p>11 service director, correct?</p> <p>12 A On this email, I would say yes. I don't know</p> <p>13 that name or this person, but it looks like -- FSD is a</p> <p>14 reference to food service director, so I would say yes.</p> <p>15 Q Okay. So he says, "Warden Gray/FSD Marrero</p> <p>16 is working on the menu to see what items that can be</p> <p>17 looked at instead of potatoes like adding pasta to some</p> <p>18 of the meals and removing the potatoes."</p> <p>19 Fair to say there was a concern here about</p> <p>20 Stewart serving too many potatoes?</p> <p>21 MR. LEE: Form and foundation.</p> <p>22 THE WITNESS: I don't know if it was too</p> <p>23 many or what the issue was. It appears there</p> <p>24 was a concern with potatoes, but what the</p> <p>25 specifics to the concern of potatoes, I don't</p>
<p>Page 300</p> <p>1 RUSSELL WASHBURN</p> <p>2 know that this email clearly illustrates</p> <p>3 that.</p> <p>4 Q (By Ms. Sandley) Do you know if the menus at</p> <p>5 Stewart were ever modified to reduce the amount of</p> <p>6 potatoes served?</p> <p>7 MR. LEE: Object to form. Again, him</p> <p>8 personally?</p> <p>9 MS. SANDLEY: As the CoreCivic</p> <p>10 designee.</p> <p>11 THE WITNESS: I do not know, but, I</p> <p>12 mean, the records would reflect whether it</p> <p>13 was or was not.</p> <p>14 MS. SANDLEY: All right, let's take this</p> <p>15 exhibit down. Let's look at Exhibit 34,</p> <p>16 CCBVA207174.</p> <p>17 (Exhibit 34 marked for identification.)</p> <p>18 Q (By Ms. Sandley) All right, this is a memo</p> <p>19 from Shelton Richardson, who was the warden at Stewart,</p> <p>20 correct?</p> <p>21 A He was at that time, yes.</p> <p>22 Q I'm sorry. I misspoke. It's from Calvin</p> <p>23 Blue to Shelton Richardson, correct?</p> <p>24 A That's correct.</p> <p>25 Q And I'm looking at the last paragraph on the</p>	<p>Page 301</p> <p>1 RUSSELL WASHBURN</p> <p>2 first page. It says, "A meeting was held with Jack</p> <p>3 Wilder, Trinity Services, and FSC John Gimesh</p> <p>4 concerning the food complaints from the detainees.</p> <p>5 FSC, SDC, and Trinity are in the process of modifying</p> <p>6 the menu by adding more cultural sensitive</p> <p>7 products/meals and adding more training to the Trinity</p> <p>8 staff on food preparation."</p> <p>9 So fair to say that FSC was involved in</p> <p>10 conversations about modifying the menu at Stewart to</p> <p>11 add more culturally sensitive products and meals?</p> <p>12 A Based on this document, yes.</p> <p>13 Q And FSC was aware of the need to add more</p> <p>14 training for Trinity staff on food preparation?</p> <p>15 MR. LEE: Object to form.</p> <p>16 THE WITNESS: You said FSC was -- can</p> <p>17 you repeat the question?</p> <p>18 MS. SANDLEY: Yeah, was aware of the</p> <p>19 need to add more training for Trinity staff</p> <p>20 on food preparation.</p> <p>21 MR. LEE: Object to form.</p> <p>22 THE WITNESS: There was communication</p> <p>23 from the assistant warden that some</p> <p>24 additional training may be necessary. To say</p> <p>25 that they agree or concur, I don't know.</p>

<p>1 RUSSELL WASHBURN</p> <p>2 MS. SANDLEY: Okay.</p> <p>3 Q (By Ms. Sandley) Do you know if culturally</p> <p>4 sensitive products or meals were added to the menu at</p> <p>5 Stewart?</p> <p>6 MR. LEE: Object to form.</p> <p>7 THE WITNESS: I can say they exist</p> <p>8 today. And, again, the menus would show what</p> <p>9 those modifications were that would support</p> <p>10 that.</p> <p>11 Q (By Ms. Sandley) What types of -- which --</p> <p>12 what meals are -- sorry, let me withdraw that and start</p> <p>13 over.</p> <p>14 Which items on the current menu at Stewart</p> <p>15 are culturally sensitive?</p> <p>16 A I would say what you pointed out with the</p> <p>17 jalapeños, the Hispanic population requested and those</p> <p>18 items were added.</p> <p>19 Having a variety of different meals to</p> <p>20 accommodate the different cultures, such as Spanish</p> <p>21 rice, typical -- traditional American foods are on</p> <p>22 there. So there is a variety of foods that are</p> <p>23 offered. I won't say that it serves all cultures, but</p> <p>24 it's pretty rounded.</p> <p>25 Q Okay, so you named jalapeño peppers, Spanish</p>	<p>Page 302</p> <p>1 RUSSELL WASHBURN</p> <p>2 rice, and American food. Are there any other items on</p> <p>3 the current Stewart menu that are culturally sensitive?</p> <p>4 A I'm sure there are. I'm trying to recall</p> <p>5 from memory the actual menu items verbatim off of it.</p> <p>6 I'd have to look at the menu.</p> <p>7 Q Okay. Are there any issues -- withdrawn.</p> <p>8 Let me ask this: There is a grievance</p> <p>9 process at Stewart, correct?</p> <p>10 A Yes, ma'am, there is.</p> <p>11 Q And there's a policy relating to the</p> <p>12 grievance process, correct?</p> <p>13 A Correct, in addition to the PBNDS standards.</p> <p>14 Q And the grievance policy at Stewart is</p> <p>15 created by the FSC, right?</p> <p>16 A Yes, ma'am.</p> <p>17 Q And all CoreCivic staff at Stewart are</p> <p>18 required to follow it, correct?</p> <p>19 A That's correct.</p> <p>20 Q So can detained people file grievances about</p> <p>21 food service issues?</p> <p>22 A Yes.</p> <p>23 Q Are there any issues relating to food service</p> <p>24 that are not grievable?</p> <p>25 A Nothing I can think of off the top of my</p>
<p>1 RUSSELL WASHBURN</p> <p>2 head. I mean, I guess grieving the dietitian to say</p> <p>3 that it's not the appropriate caloric intake may not</p> <p>4 be, but I don't even know that we would reject even</p> <p>5 that. I mean, we would provide a response, but</p> <p>6 challenging something that a licensed professional has</p> <p>7 authorized without -- that may be. But, again, I think</p> <p>8 we would process that even without that, so I can't</p> <p>9 think of anything off the top of my head.</p> <p>10 Q Let's take a look -- well, let me ask you</p> <p>11 this: If CoreCivic received a number of grievances</p> <p>12 about, for example, the caloric levels at Stewart,</p> <p>13 would that prompt CoreCivic to do any follow-up with</p> <p>14 Trinity about the menu?</p> <p>15 A Absolutely.</p> <p>16 MR. LEE: Object to form.</p> <p>17 THE WITNESS: Yeah, absolutely we would.</p> <p>18 Just -- we would look into it with them and</p> <p>19 have the discussion and then ensure that</p> <p>20 it's, you know, reevaluated if necessary.</p> <p>21 I personally meet with the grievance</p> <p>22 coordinator, along with my assistant wardens</p> <p>23 and medical/health service administrator and</p> <p>24 the chief of security and chief of unit</p> <p>25 management every Friday to discuss grievances</p>	<p>Page 304</p> <p>1 RUSSELL WASHBURN</p> <p>2 and any trends in grievances and then</p> <p>3 ultimately how we're addressing those</p> <p>4 particular issues.</p> <p>5 So not just isolated to food. We have a</p> <p>6 process in place that we would look into</p> <p>7 whether it was a trend of issues or a</p> <p>8 significant type issue or something that</p> <p>9 warranted a higher level of evaluation.</p> <p>10 Q (By Ms. Sandley) How many grievances about</p> <p>11 the nutritional adequacy of the food would it take to</p> <p>12 prompt CoreCivic to address that with Trinity?</p> <p>13 A It could be one, depending on the nature of</p> <p>14 the concern.</p> <p>15 Q Okay, but I want to make sure I understood</p> <p>16 your testimony earlier. It could also be that a</p> <p>17 grievance about nutritional adequacy is found to be not</p> <p>18 grievable, correct?</p> <p>19 A Again, if they're challenging something to</p> <p>20 say that they disagree or they don't believe the</p> <p>21 dietitian was right, that very well could be. But,</p> <p>22 again, I don't know that we would not process --</p> <p>23 there's nothing that says that if you grieved the</p> <p>24 dietitian, that it can't be processed.</p> <p>25 Q Okay.</p>

<p>1 RUSSELL WASHBURN</p> <p>2 MS. SANDLEY: Let's take a look at</p> <p>3 Exhibit 35, CCBVA217504.</p> <p>4 (Exhibit 35 marked for identification.)</p> <p>5 Q (By Ms. Sandley) Okay, this is a grievance,</p> <p>6 correct?</p> <p>7 A It is, yes.</p> <p>8 Q All right, and let's scroll down.</p> <p>9 Okay, this is from 2018. I don't expect you</p> <p>10 to have seen this, but I want to ask you a few</p> <p>11 questions about it. So take a minute to read this, if</p> <p>12 you will.</p> <p>13 A Okay.</p> <p>14 Q Were there any aspects of the staff -- well,</p> <p>15 let me start over.</p> <p>16 If the allegations in this grievance were</p> <p>17 true, were any of the staff responses inappropriate?</p> <p>18 MR. LEE: Object to form.</p> <p>19 THE WITNESS: If this allegation is</p> <p>20 true, then the answer to that is yes, there</p> <p>21 would be certainly some inappropriateness</p> <p>22 amongst the staff members.</p> <p>23 Q (By Ms. Sandley) Which of the alleged staff</p> <p>24 responses would have been inappropriate?</p> <p>25 A I think both to a degree. More importantly,</p>	<p>Page 306</p> <p>1 RUSSELL WASHBURN</p> <p>2 the Trinity staff member who allegedly, I think,</p> <p>3 flicked it off and continued to try to serve. So that</p> <p>4 would be the most egregious. I do think that the</p> <p>5 officer had an obligation at that point to immediately</p> <p>6 report to the supervisor the issue, again, if this is</p> <p>7 proven to be true.</p> <p>8 Q So if roaches are found in food, should the</p> <p>9 food be thrown away?</p> <p>10 A Absolutely.</p> <p>11 Q Okay. And what about the part at the end</p> <p>12 here where it says, "Officer Parker said I could not</p> <p>13 work in the kitchen since I told people" -- I don't</p> <p>14 know if this was supposed to say "about" -- "told</p> <p>15 people of this situation." Was that appropriate?</p> <p>16 A No, if true, it would not be appropriate.</p> <p>17 Q Okay. And would that have been a violation</p> <p>18 of CoreCivic policy?</p> <p>19 A Yes.</p> <p>20 Q Okay. How should this grievance have been</p> <p>21 investigated?</p> <p>22 A At first, the immediate notification should</p> <p>23 have went to the shift supervisor, who could have then</p> <p>24 immediately responded to the location to determine the</p> <p>25 validity of the complaint. And then, of course, if</p>
<p>Page 308</p> <p>1 RUSSELL WASHBURN</p> <p>2 proven, the food service incident report should have</p> <p>3 been generated at that given moment. Of course, you</p> <p>4 already talked about the food should have been</p> <p>5 discarded as potentially contaminated by this insect.</p> <p>6 That would have obviously had to have been discarded</p> <p>7 and taken care of and then potentially corrective</p> <p>8 action, formal corrective action, against the two</p> <p>9 individuals who responded in that way.</p> <p>10 Q Okay. And if a food service incident report</p> <p>11 had been generated, which CoreCivic staff member would</p> <p>12 have been responsible for ensuring that corrective</p> <p>13 action was taken?</p> <p>14 A The assistant warden of programs. And then,</p> <p>15 obviously, we have a contract with pest control. You</p> <p>16 know, we would have also had our safety manager make</p> <p>17 contact with those individuals to coordinate the</p> <p>18 spraying of that area if necessary.</p> <p>19 Q Okay.</p> <p>20 MS. SANDLEY: Let's take this exhibit</p> <p>21 down and let's look at the next one. It's</p> <p>22 Bates PLS_1625. This will be Exhibit 36.</p> <p>23 (Exhibit 36 marked for identification.)</p> <p>24 Q (By Ms. Sandley) All right, so this is</p> <p>25 another grievance, and let's scroll down so you can see</p>	<p>Page 309</p> <p>1 RUSSELL WASHBURN</p> <p>2 the content. Portions of this are redacted.</p> <p>3 All right, so take a minute to read this for</p> <p>4 me.</p> <p>5 A Okay.</p> <p>6 Q Okay. So this grievant was complaining that</p> <p>7 the meal was too small, correct?</p> <p>8 A Yes.</p> <p>9 Q And that there was one empty space on a tray</p> <p>10 with five spaces, correct?</p> <p>11 A That's correct.</p> <p>12 Q Okay. And let's scroll down so we can see</p> <p>13 the staff response.</p> <p>14 So it says, "Grievance returned to detainee</p> <p>15 for violation of filing procedures."</p> <p>16 What are the -- what -- do you have any idea</p> <p>17 what that means?</p> <p>18 A I don't. I mean, there's things within the</p> <p>19 standard in the policy -- you know, if the detainee is</p> <p>20 filing, you know, multiple grievances, you know, a</p> <p>21 certain number. To suggest what they were meaning</p> <p>22 here, I don't know.</p> <p>23 Q Okay. And it says, "Also advised detainee</p> <p>24 that meals provided by Trinity are approved by</p> <p>25 DHS-ICE." Is that true?</p>

Page 310		Page 311
1	RUSSELL WASHBURN	
2	A It would be the dietitian and CoreCivic.	1
3	Q Okay. How are complaints about food portion	2
4	size at Stewart investigated?	3
5	A Well, I mean, we have -- that's the purpose	4
6	of us having the meal monitoring for every meal, not	5
7	just for one meal, but for every meal. It's done by	
8	supervisory personnel to ensure that the meal that	
9	they're providing -- there is no expectation that every	
10	slot on the food tray is filled each time.	
11	It's -- whatever the amount of product that's	
12	approved on the menu is what's measured, and the amount	
13	that's -- and quantity that's required to be delivered,	
14	whether it's beans or pasta or rice, that's what's	
15	measured. It's not based on the slots on the tray.	
16	Q Okay. Did CoreCivic staff receive training	
17	on meal -- on food portion sizes?	
18	A The supervisors, again, through that	
19	evaluation piece and then the meal monitoring training	
20	that we do with them, they're trained on it, yes.	
21	Q Do they receive training on, like, the	
22	different sizes of ladles that are used in the kitchen?	
23	A Yes. And there's actually a legend on the	
24	bottom of that same form that will tell them a number.	
25	Four spoodle represents a quarter cup or a half a cup.	
Page 312		Page 313
1	RUSSELL WASHBURN	
2	menus, to include therapeutic/special diets and	1
3	religious diets, are reviewed and signed at least	2
4	annually by a qualified nutritionist or dietitian to	3
5	ensure menus meet nationally recommended allowances for	4
6	basic nutrition for appropriate age groups. This is	5
7	not a grievable matter. Grievance will be returned."	6
8	Is that response consistent with CoreCivic	7
9	policy?	8
10	A It would be.	9
11	Q So neither the food quality allegations in	10
12	this grievance nor the nutritional adequacy allegations	11
13	are grievable matters?	12
14	A Well, if you can scroll back up, I -- I would	13
15	have missed the quality. I know that they were saying	14
16	the diets were not therapeutically appropriate.	15
17	Q I'm referring to "The food service is really	16
18	bad."	17
19	A That doesn't -- "food service is really bad."	18
20	That's not saying specifically what is it that they're	19
21	referring to. The bulk and the way I interpret this	20
22	grievance is that it's primarily driven that this	21
23	person does not agree that the menu meets the minimum	22
24	nutritious facts and calories.	23
25	Q Okay. Is the quality of the food at Stewart	24
		25

<p>1 RUSSELL WASHBURN</p> <p>2 MR. LEE: Object to form.</p> <p>3 THE WITNESS: Yeah, I mean, that would</p> <p>4 really be -- if they didn't have someone</p> <p>5 providing them with money, then there would</p> <p>6 be an outlet for them to work and secure</p> <p>7 funding, yes.</p> <p>8 Q (By Ms. Sandley) Fair to say that the food</p> <p>9 items are consistently some of the top sellers in the</p> <p>10 Stewart commissary?</p> <p>11 A Yes. That's the bulk of the items, so yes, I</p> <p>12 think that's fair.</p> <p>13 Q Okay. And who determines what items are sold</p> <p>14 in the Stewart commissary?</p> <p>15 A We're provided with a list of approved items</p> <p>16 that we can select from. And I'll tell you we</p> <p>17 periodically poll the population to determine whether</p> <p>18 or not the -- and we also look at sales. I mean, if we</p> <p>19 have a product that just doesn't sell, there's no sense</p> <p>20 in continuing that. So we would solicit feedback from</p> <p>21 the population as to things that they would like to see</p> <p>22 on commissary. And as long as there's not a security</p> <p>23 or safety threat by providing those items, then we</p> <p>24 would approve them.</p> <p>25 Q Okay. So who provides the list of approved</p>	<p>Page 314</p> <p>1 RUSSELL WASHBURN</p> <p>2 items?</p> <p>3 A It comes from our Facility Support Center.</p> <p>4 Ms. Lazier [phonetic] would provide that.</p> <p>5 Q Okay. And who sets the prices of commissary</p> <p>6 items at Stewart?</p> <p>7 A They're established out of FSC and with</p> <p>8 our -- Keefe, our vendor. And primarily it's usually</p> <p>9 used as a 30 percent markup, and it's pretty consistent</p> <p>10 to what you would see at, like, a convenience store as</p> <p>11 to how that pricing is established.</p> <p>12 Q Okay. And I believe you testified earlier a</p> <p>13 little bit about the commissary profits, and I want to</p> <p>14 make sure I understand that.</p> <p>15 So the money that is made off commissary</p> <p>16 sales goes into a separate account, correct?</p> <p>17 A That's correct.</p> <p>18 Q And the money in that separate commissary</p> <p>19 account is used to pay for CoreCivic employees who</p> <p>20 staff the commissary, correct?</p> <p>21 A Correct.</p> <p>22 Q If CoreCivic didn't make any profit on the</p> <p>23 commissary, would CoreCivic still pay those employees?</p> <p>24 A Absolutely.</p> <p>25 Q And then other money in that account is used</p>
<p>Page 316</p> <p>1 RUSSELL WASHBURN</p> <p>2 to buy recreation equipment, correct?</p> <p>3 A Correct. Things that have a sole benefit for</p> <p>4 the detainee population.</p> <p>5 Q Okay. If CoreCivic didn't make any profit</p> <p>6 off the commissary, would it still buy balls for the</p> <p>7 basketball court?</p> <p>8 A Yes.</p> <p>9 Q Why?</p> <p>10 A Because, again, it's making sure that</p> <p>11 detainees have an outlet to reduce idleness, to</p> <p>12 encourage them to get out of their housing unit for</p> <p>13 fresh air. I mean, it's just a quality-of-life factor</p> <p>14 that we would want to make sure is sustained.</p> <p>15 Q Is reducing idleness also important for</p> <p>16 maintaining the safety and security at the facility?</p> <p>17 A It is.</p> <p>18 Q And CoreCivic is required to provide</p> <p>19 recreation under the PBNDS, correct?</p> <p>20 A That's correct.</p> <p>21 Q Okay. What other purchases are made with the</p> <p>22 commissary account funds?</p> <p>23 A TVs, for leisure TVs, the game stations that</p> <p>24 are solely for the detainee population that stay in the</p> <p>25 housing units, the ice coolers that stay within the</p>	<p>Page 317</p> <p>1 RUSSELL WASHBURN</p> <p>2 units for the detainees to utilize to have fresh ice.</p> <p>3 I'm sure there's some other products. Those are the</p> <p>4 ones I can just think of off the top of my head.</p> <p>5 Q And I believe you testified earlier you</p> <p>6 didn't know how much money is currently in the</p> <p>7 commissary account?</p> <p>8 A I do not, not without getting with my</p> <p>9 business manager.</p> <p>10 Q Okay. Do you have any idea if, on a</p> <p>11 quarterly basis, CoreCivic is spending the majority of</p> <p>12 the profits made from commissary?</p> <p>13 A Not without looking at the records, no, I</p> <p>14 don't. Can't say that one way or the other.</p> <p>15 Q Okay. Does anyone ever look on a regular</p> <p>16 basis to see how much money is sitting in that account?</p> <p>17 A The business manager monitors and manages</p> <p>18 that. We also have an annual audit from an outside</p> <p>19 independent source that audits that as well.</p> <p>20 Q Has there ever been a time when the auditor</p> <p>21 or anyone else told Stewart to spend some of the money</p> <p>22 in that account?</p> <p>23 A Not that I'm --</p> <p>24 MR. LEE: Object to form.</p> <p>25 THE WITNESS: Not that I'm aware of.</p>

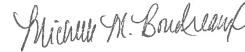
<p>1 RUSSELL WASHBURN</p> <p>2 MS. SANDLEY: All right.</p> <p>3 Q (By Ms. Sandley) Do you know if that account</p> <p>4 earns interest?</p> <p>5 A I believe it does, but I'm not certain.</p> <p>6 Q Is it a bank account?</p> <p>7 A I believe it is.</p> <p>8 Q Do you know which bank?</p> <p>9 A I don't.</p> <p>10 Q Is it an account that's managed by the FSC?</p> <p>11 A I believe so, yes.</p> <p>12 Q Okay. All right. CoreCivic has a document</p> <p>13 retention policy, correct?</p> <p>14 A We do, yes.</p> <p>15 Q And it applies to all CoreCivic staff at</p> <p>16 Stewart?</p> <p>17 A It does.</p> <p>18 Q And it's created by the FSC?</p> <p>19 A It is, yes.</p> <p>20 Q Okay. Did you review that policy in</p> <p>21 preparing for this deposition today?</p> <p>22 A Yes. And you're referencing Policy 1-15,</p> <p>23 correct?</p> <p>24 Q Yes.</p> <p>25 A Yes.</p>	<p>Page 318</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q What is the time frame for maintaining</p> <p>3 detention files at Stewart?</p> <p>4 A You're testing my memory. I believe it's</p> <p>5 three years. There's a scale in that policy, but I</p> <p>6 believe it's three years.</p> <p>7 Q That's all right. I don't want you to guess.</p> <p>8 Let's look at the policy.</p> <p>9 A All right.</p> <p>10 (Exhibit 38 marked for identification.)</p> <p>11 Q (By Ms. Sandley) Exhibit 38, and it's</p> <p>12 CCBVA105921.</p> <p>13 All right, and is this the record retention</p> <p>14 schedule for Stewart?</p> <p>15 A Yes, it is.</p> <p>16 Q Okay. And this is Policy 1-15B, correct?</p> <p>17 A It references this attachment, so -- but 1-15</p> <p>18 is the policy, yes.</p> <p>19 Q Okay. Let's scroll down slowly to where we</p> <p>20 get to "Inmate/Resident Files." I apologize, I didn't</p> <p>21 write down what page that's on. Actually, I did. It's</p> <p>22 page 2. There we go.</p> <p>23 A Yes.</p> <p>24 Q So the retention period for inmate/resident</p> <p>25 files is three years, correct?</p>
<p>1 RUSSELL WASHBURN</p> <p>2 A Correct.</p> <p>3 Q And that's from the time of release or</p> <p>4 transfer, correct?</p> <p>5 A That's correct.</p> <p>6 Q And inmate/resident files are also known as</p> <p>7 detention files, right?</p> <p>8 A That's correct.</p> <p>9 Q And PBNDS requires CoreCivic to keep</p> <p>10 detention files, correct?</p> <p>11 A That's correct.</p> <p>12 Q Let's look -- let's take this down and look</p> <p>13 at the next exhibit, DHS/ICE records schedules.</p> <p>14 (Exhibit 39 marked for identification.)</p> <p>15 MS. SANDLEY: Okay.</p> <p>16 Q (By Ms. Sandley) Have you ever seen this</p> <p>17 document before?</p> <p>18 A I don't believe I have.</p> <p>19 Q Let's scroll down to the next page. Have you</p> <p>20 seen this before?</p> <p>21 A I don't believe so.</p> <p>22 Q Okay. We want to look at the -- under</p> <p>23 "Detention Case Files," where it says, "The required</p> <p>24 content of the file includes the detainee</p> <p>25 summary/transfer forms," and then it lists some other</p>	<p>Page 320</p> <p>1 RUSSELL WASHBURN</p> <p>2 documents. Do you see that?</p> <p>3 A I do.</p> <p>4 Q Would you agree that the information listed</p> <p>5 here is information that's included in detention files</p> <p>6 kept at Stewart?</p> <p>7 A Yes.</p> <p>8 Q Okay. And do you see next to "Disposition"</p> <p>9 where this says "Destroy six years after the file</p> <p>10 cutoff"?</p> <p>11 A I do.</p> <p>12 Q Okay, but CoreCivic's policy for retaining</p> <p>13 detention files is only three years, correct?</p> <p>14 A Correct. And that policy would have been</p> <p>15 approved from ICE.</p> <p>16 MR. LEE: And I'm going to object to</p> <p>17 form. I don't know that this has ever been</p> <p>18 disclosed in this case. I don't see any</p> <p>19 Bates numbers on it. So I'm just objecting</p> <p>20 on that basis.</p> <p>21 MS. SANDLEY: Okay. Well, I don't think</p> <p>22 that's a form objection, Jacob, but</p> <p>23 understood and it will produced.</p> <p>24 All right, we can take this down.</p> <p>25 Q (By Ms. Sandley) Do you know, Warden</p>

<p style="text-align: right;">Page 322</p> <p>1 RUSSELL WASHBURN</p> <p>2 Washburn, if CoreCivic's retention policy was approved</p> <p>3 by ICE?</p> <p>4 A Yes. I mean, all of our policies are</p> <p>5 presented to ICE, so I would say that, yes, it should</p> <p>6 have been approved and I would say yes it has.</p> <p>7 Q Do you know if the Stewart retention policy</p> <p>8 has been approved by ICE since you've been at Stewart?</p> <p>9 A No, I'm sure -- I'm saying it has not because</p> <p>10 I don't know there's been a change to it that would</p> <p>11 require a resubmission to them for review and approval.</p> <p>12 Q Okay. And there's a process at Stewart for</p> <p>13 routine document destruction, correct?</p> <p>14 A There is, yes.</p> <p>15 Q Can you explain that process to me?</p> <p>16 A Typically it's in November when we have those</p> <p>17 files that meet the policy destruction dates that's</p> <p>18 outlined in Policy 1-15 on that B form that we were</p> <p>19 just looking at. They would then -- we would</p> <p>20 coordinate with a shredding vendor who would come out</p> <p>21 on the prescribed day, and said files would then be</p> <p>22 placed into that shred -- I think it's a shred truck,</p> <p>23 for lack of better words, and those items would be</p> <p>24 discarded in that fashion.</p> <p>25 Then the records coordinator would then</p>	<p style="text-align: right;">Page 323</p> <p>1 RUSSELL WASHBURN</p> <p>2 complete the 1-15 form that needs to be completed for</p> <p>3 the annual records cleanout, and then I would sign off</p> <p>4 that that was completed.</p> <p>5 Q Okay. Does the form for the annual records</p> <p>6 cleanout include all of the records that are to be</p> <p>7 destroyed?</p> <p>8 A It does not.</p> <p>9 Q What kind of information does it include?</p> <p>10 A It just really certifies that the record</p> <p>11 cleanout occurred annually as prescribed.</p> <p>12 Q Okay. And then I think you referenced the</p> <p>13 shred truck. Where does that go?</p> <p>14 A I couldn't answer that question here today.</p> <p>15 Q Okay. Does it go to the FSC?</p> <p>16 A No, no, no. These items are actually</p> <p>17 physically shredded here. So it's the vendor that</p> <p>18 would remove those items and discard it however it is</p> <p>19 that they discard their products.</p> <p>20 Q Okay. Understood.</p> <p>21 Is there a point in that process where you,</p> <p>22 as the warden, are informed of which documents are</p> <p>23 being destroyed.</p> <p>24 A No. Not on specific documents, no. Just</p> <p>25 that any of the ones that are outside of the -- are</p>
<p style="text-align: right;">Page 324</p> <p>1 RUSSELL WASHBURN</p> <p>2 within the parameters of the policy.</p> <p>3 Q Okay. And that annual document destruction,</p> <p>4 does it typically happen in November?</p> <p>5 A It does typically, yes.</p> <p>6 Q Does the FSC have any role in documentation</p> <p>7 destruction?</p> <p>8 A Not the -- other than the policy and</p> <p>9 establishment of the policy, no.</p> <p>10 Q Okay. And were Stewart staff informed that</p> <p>11 documents related to this lawsuit should not be</p> <p>12 destroyed?</p> <p>13 A Some of the staff, yes.</p> <p>14 Q Which staff were informed?</p> <p>15 A The administration, the warden, assistant</p> <p>16 wardens, chiefs for sure. Outside of that, I don't</p> <p>17 know who else the distribution would have went to, the</p> <p>18 publication.</p> <p>19 Q And were you informed that documents</p> <p>20 shouldn't be destroyed?</p> <p>21 A Yes.</p> <p>22 Q Were you informed once?</p> <p>23 A To say how many times, I don't know, but at</p> <p>24 least once, yes.</p> <p>25 Q Was it more than once?</p>	<p style="text-align: right;">Page 325</p> <p>1 RUSSELL WASHBURN</p> <p>2 A It could have been, yes.</p> <p>3 Q Do you know when?</p> <p>4 A Sometime after April of 2020. I don't know</p> <p>5 when specifically I became aware of the retention or</p> <p>6 the preservation requirement.</p> <p>7 Q Okay. Do you know if any procedures have</p> <p>8 been put in place at Stewart to ensure documents</p> <p>9 related to this lawsuit aren't destroyed?</p> <p>10 A Yes. There is now. There was a break in</p> <p>11 communications that resulted in some of those files</p> <p>12 inadvertently being destroyed that were under that</p> <p>13 preservation. You know, we own that. But since then,</p> <p>14 we have established, one, making sure that all of the</p> <p>15 individuals that need to be notified have been</p> <p>16 notified. We've also put postings in those locations</p> <p>17 that -- "Do Not Destroy" and have isolated them to</p> <p>18 specific containers that we're storing those records</p> <p>19 and -- clearly posted "Do Not Destroy" signs out there,</p> <p>20 but more importantly, communicated to everybody that</p> <p>21 needs to have had the communication.</p> <p>22 Q Who's everybody who needs to have had the</p> <p>23 communication?</p> <p>24 A Anyone that would be dealing with any of the</p> <p>25 level of the record destruction, and that's -- the</p>

Page 326		Page 327
1	RUSSELL WASHBURN	1 RUSSELL WASHBURN
2	classification coordinator is the designated records	2 Q Who's currently the classification
3	coordinator by the policy, as well as the business	3 supervisor?
4	manager, who would then also be coordinating the shred	4 A Ms. Crocker.
5	truck to come to the facility.	5 Q What's her first name?
6	Q Okay.	6 A You're going to test me. Tatiana, I believe.
7	A And we have since -- and I will say we	7 I know it's T. I think it's Tatiana.
8	postponed the shred truck, so it did not occur in	8 Q And how long has she been in that position?
9	November, to allow additional time to make sure that	9 A Since Ms. Drew left. I'd say less than a
10	the records that are being shred do not fall under the	10 year, somewhere in that -- maybe right at a year.
11	preservation of this case or any other case and that	11 Q Has she been told not to destroy documents
12	only ones that are legitimately within the policy	12 related to this lawsuit?
13	parameters.	13 A She absolutely has.
14	Q Who's the shredding vendor?	14 Q When was she first told?
15	A I don't know.	15 A I don't -- I can't recall the date, but I can
16	Q What types of documents does CoreCivic	16 tell you she's the one that posted all of the postings
17	consider to be related to this lawsuit for preservation	17 in all of those locations. So, yes, her and her entire
18	purposes?	18 team know those records and which ones should not be
19	A Obviously detention files, disciplinaries,	19 destroyed at this point.
20	grievances, anything relative to job -- the voluntary	20 Q Okay. And Ms. Drew was a classification
21	work program, whether it's the sheet -- the forms that	21 supervisor before that, before Ms. Crocker, correct?
22	they have to fill out to get the job. Really any form	22 A Yeah. The actual title is classification
23	that could be tied to the voluntary work program would	23 coordinator. That's what's on the staffing pattern,
24	be considered that, so any requests, any emails, any	24 but yes.
25	documents of such.	25 Q Okay. And she had been in the classification
Page 328		Page 329
1	RUSSELL WASHBURN	1 RUSSELL WASHBURN
2	coordinator role for a numbers of years, correct?	2 Q Okay. So the classification coordinator's on
3	A Yes, ma'am, before my time. It could have	3 the job committee, correct?
4	been the whole time. I don't know.	4 A That's correct.
5	Q Was she classification coordinator before	5 Q All right. Fair to say the classification
6	this lawsuit was filed?	6 coordinator has multiple responsibilities relating to
7	A I believe so, yes.	7 the work program at Stewart?
8	Q Okay. And was she told not to destroy	8 A Yes.
9	documents related to this lawsuit?	9 MS. SANDLEY: All right, I think we're
10	A I know I personally did not tell her. Now,	10 going to go into tomorrow, and I'm at a
11	whether or not the two previous wardens that would have	11 stopping point. We've got 10 minutes left.
12	been here during that period of time told her, I can't	12 We can use them or we can pick back up
13	say, you know, one way or the other on that.	13 tomorrow. I'll leave it to you, Warden, and
14	Q Okay. The classification coordinator is	14 Mr. Lee to let me know what you prefer.
15	responsible for approving people for participation in	15 THE WITNESS: I'm fine either way. I'll
16	the work program, correct?	16 defer to Mr. Lee as to what he wants to do,
17	A She's a part of -- that position is part of	17 but I'm fine either way.
18	the process, but not the final approver, no.	18 MR. LEE: If there are topics you've got
19	Q Is there a jobs committee at Stewart?	19 that you want to cover in the next 10
20	A Yes. I mean, it would be comprised of the	20 minutes, might as well. We're here. You
21	unit team members, the location area supervisor, the	21 tell me.
22	classification team, and then, of course, the chief of	22 MS. SANDLEY: That's fine. Let's keep
23	unit management would be a part of that, and then	23 going.
24	ultimately myself and the assistant warden also have to	24 Q (By Ms. Sandley) Warden Washburn, my
25	review and sign off on the job placement.	25 understanding, based on other testimony in this case,

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1	RUSSELL WASHBURN	1
2	and correct me if I'm wrong, is that CoreCivic doesn't	2 mean, you can walk in the day rooms as well
3	offer any educational program at Stewart?	3 for exercise if you so choose to do that.
4	A We do not currently, no.	4 Really kind of what exists within the housing
5	Q Okay. Do you know if CoreCivic has ever	5 units outside the traditional recreation
6	offered educational programming at Stewart?	6 services.
7	A I can't say yes or no one way or the other	7 Q (By Ms. Sandley) Are detained people
8	for the entire duration. I don't believe so, but	8 provided radios at Stewart?
9	that's a guess.	9 A Yes.
10	Q Okay. When detained people are not at	10 Q Are those provided for free?
11	recreation or medical or visitation or court, what can	11 A Yes.
12	they do with their time?	12 Q Are detained people provided headphones?
13	MR. LEE: Object to form.	13 A Yes.
14	THE WITNESS: There's other leisure	14 Q Are those free?
15	opportunities also that exist within their	15 A Yes.
16	assigned housing areas. Like I talked about	16 Q Are they provided batteries for the radios?
17	earlier, we have televisions and we actually	17 A Yes.
18	have four TVs. We have ones that are	18 Q Are those free?
19	dedicated to Spanish and some of the other	19 A Yes.
20	languages. We have the PlayStations that	20 Q Are headphones and batteries also sold in the
21	they can use to play games. Those are all	21 commissary?
22	out in the day room. We have traditional	22 A I believe so. I think maybe a little bit
23	board games and cards that they can utilize	23 better quality ones, you know, that are provided; but,
24	in that area.	24 yes, I do believe that they are on there.
25	The day rooms are relatively large. I	25 Q Okay. And are the -- do you have to use a
Page 332		Page 333
1	RUSSELL WASHBURN	1
2	headset to listen to the televisions in the housing	2 RUSSELL WASHBURN
3	units at Stewart?	3 children's books and record so they can send it to
4	A You do, yes.	4 their kids at home. So we have bought some of those
5	Q Okay. So people have to have the radio and	5 kinds of books since I've been here, and we may have
6	the headphones in order to hear the audio on the	6 bought others. I just don't recall signing a purchase
7	televisions in their units, correct?	7 order for books.
8	A And that's why we issue it to them, yes.	8 Q Okay.
9	Q Okay. Are there games in the housing units?	8 MS. SANDLEY: Let's look at Exhibit 40,
10	A Yes.	9 CCBVA4652.
11	Q Are there books in the housing units?	10 (Exhibit 40 marked for identification.)
12	A Yes.	11 MS. SANDLEY: Okay.
13	Q Are games and books purchased with commissary	12 Q (By Ms. Sandley) What is this document?
14	proceeds?	13 A It's the 24-hour building schedule.
15	A Games, yes. Again, to say books are, I don't	14 Q Okay. And this one is dated March 6, 2019.
16	recall signing any purchase requests since I've been	15 Do you know if this is the one that's currently
17	here to buy additional books, so -- but I would say	16 approved?
18	that they probably are, yes.	17 A No, it is not. I believe we have a more
19	Q So books aren't purchased frequently, fair to	18 current one.
20	say?	19 Q Okay. Well, I want to just walk through this
21	A We also accept donations too, so we'll get	20 one and ask you a few questions about some of the terms
22	donations from, you know, churches, civic groups, those	21 that are used. We're going to jump around a little
23	types of things as well too. So not to say we	22 bit, but let's start with the entries about food.
24	haven't -- I take that back. We have bought some	23 So let's look at the 3 a.m. entry. It says,
25	books. We started a program where they can check out	24 "Commence first-shift workers to food service." What
		25 does that mean?

<p style="text-align: right;">Page 334</p> <p>1 RUSSELL WASHBURN</p> <p>2 A It means that's the time that they would 3 start the -- be woken up to report for work.</p> <p>4 Q Okay. And let me back up. This routine, 5 would you consider this to be policy at Stewart?</p> <p>6 A It's a guide. I wouldn't necessarily say 7 it's a policy. There's a lot of moving parts inside of 8 a detention facility and a prison. So our best efforts 9 are to follow this as much as possible, but 10 understanding that we're going to get out of schedule 11 pretty routinely, but the efforts are to try to stay as 12 close to that schedule as we can. So I wouldn't 13 necessarily call it -- reference it as a policy, more 14 as a schedule.</p> <p>15 Q Okay. Are CoreCivic staff at Stewart 16 expected to make their best efforts to comply with this 17 schedule?</p> <p>18 A Yes.</p> <p>19 Q Okay. All right, so going back to that 20 3 a.m. time, so that's when the first shift of 21 work-program kitchen workers are supposed to report to 22 work; is that right?</p> <p>23 A That's correct.</p> <p>24 Q And then it says breakfast service for 25 general population starts at 4 a.m. So I just want to</p>	<p style="text-align: right;">Page 335</p> <p>1 RUSSELL WASHBURN</p> <p>2 make sure I'm understanding. The kitchen workers 3 report at 3 a.m. and then meal service starts at 4 4 a.m.; is that correct?</p> <p>5 A That's correct.</p> <p>6 Q Okay. And according to this schedule, people 7 in general population eat breakfast from 4 a.m. to 8 5:45 a.m.?</p> <p>9 A Again, give or take some fluctuation to that, 10 yes.</p> <p>11 Q Okay, but where it says at 5:45, "Secure 12 morning meal general population," does that mean the 13 meal is over?</p> <p>14 A Again, if everything goes according to plan, 15 then yes, that would be. Somewhere in that vicinity 16 that the meal would be over.</p> <p>17 Q Okay. Do you see anywhere on this schedule 18 that indicates when the first-shift kitchen workers are 19 supposed to return to their units?</p> <p>20 A Not that's outlined on the schedule, no, 21 other than where -- well, no, that's shift change for 22 the facility. So that's 0600. No, I do not.</p> <p>23 Q Okay. We can scroll down just a little bit 24 more.</p> <p>25 Do you see anything here about first-shift</p>
<p style="text-align: right;">Page 336</p> <p>1 RUSSELL WASHBURN</p> <p>2 workers returning to their units?</p> <p>3 A No. But I'll say this, is that's the reason 4 we have the actual work schedule. Because, again, that 5 could change a little more frequently than what this 6 would change, based on numbers, classifications, 7 genders. That could change a little more frequently 8 than what we would want to see the building schedule 9 change. So that would be captured, actually, on that 10 work schedule.</p> <p>11 Q Okay. And then looking at the 8:45 a.m. 12 entry, "Second-shift kitchen workers," is that when 13 generally second-shift kitchen workers are supposed to 14 report to work?</p> <p>15 A I believe so, at least with this schedule. 16 I'm not sure that's the same time today.</p> <p>17 Q Okay. And then 10:15 a.m., "Commence noon 18 meal for general population," so that's when lunch 19 service starts, correct?</p> <p>20 A Yes, ma'am.</p> <p>21 Q And then lunch ends, according to this 22 document, at noon?</p> <p>23 A Somewhere in that area, yes. Typically, it's 24 beyond noon, but yes.</p> <p>25 Q Okay, but that 12 p.m. entry that says</p>	<p style="text-align: right;">Page 337</p> <p>1 RUSSELL WASHBURN</p> <p>2 "Secure noon meal general population" indicates that's 3 when the lunch meal is supposed to end, correct?</p> <p>4 A Correct.</p> <p>5 Q And then let's look at that 12:15 p.m. entry 6 that says, "Secure kitchen trash disposal upon 7 completion." Who takes the kitchen trash out?</p> <p>8 A When we have detainees who meet 9 classification, it could be detainees; but, quite 10 frankly, it's more frequently staff.</p> <p>11 Q Okay. And are the detained people who take 12 the trash out kitchen workers?</p> <p>13 A Yes, or hallway workers. Again, it's 14 classification-driven and those who are approved to go 15 out onto the back dock to dispose of trash, but it 16 could be either the kitchen workers that are approved 17 or the hallway workers.</p> <p>18 MS. SANDLEY: All right, we've hit 19 6 o'clock your time, so why don't we stop for the 20 day.</p> <p>21 THE WITNESS: I'm not mad at you. I 22 just want to get up.</p> <p>23 MS. SANDLEY: I understand.</p> <p>24 Jacob, anything we need to talk about 25 before we break for the day?</p>

<p>1 RUSSELL WASHBURN 2 MR. LEE: I don't think so. 3 (Deposition concluded at 6:00 p.m.) 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>Page 338</p> <p>1 2 C E R T I F I C A T E 3 4 STATE OF GEORGIA 5 COUNTY OF COBB 6 7 I, MICHELLE M. BOUDREAUX-PHILLIPS, do hereby 8 certify that RUSSELL WASHBURN, the witness whose 9 deposition is hereinbefore set forth, was duly sworn by 10 me and that such deposition is a true record of the 11 testimony given by such witness. 12 13 I further certify that I am not related to 14 any of the parties to this action by blood or marriage 15 and that I am in no way interested in the outcome of 16 this matter. 17 18 IN WITNESS WHEREOF, I have hereunto set my 19 hand this 13th day of December 2021. 20 21  22 23 24 25</p> <p>MICHELLE M. BOUDREAUX-PHILLIPS, RPR</p>
<p>1 2 3 4 5 6 Pg. Ln. Now Reads Should Read Reason 7 _____ 8 _____ 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____ 20 _____ 21 22 23 24 25</p> <p>SUBSCRIBED AND SWORN BEFORE ME THIS _____ DAY OF _____ 20____. _____ (SIGNATURE OF NOTARY PUBLIC) MY COMMISSION EXPIRES: _____</p>	<p>Page 340</p>

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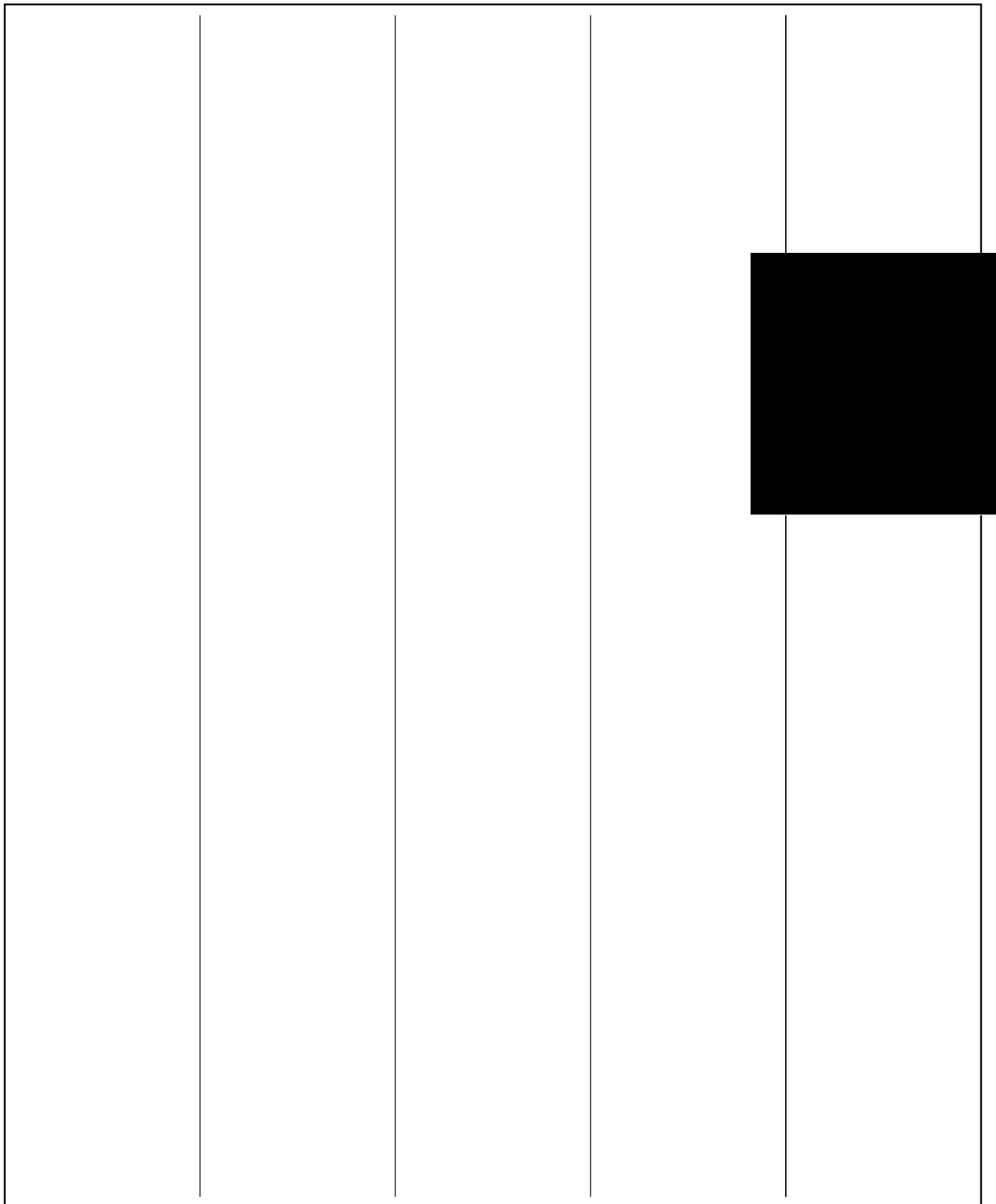
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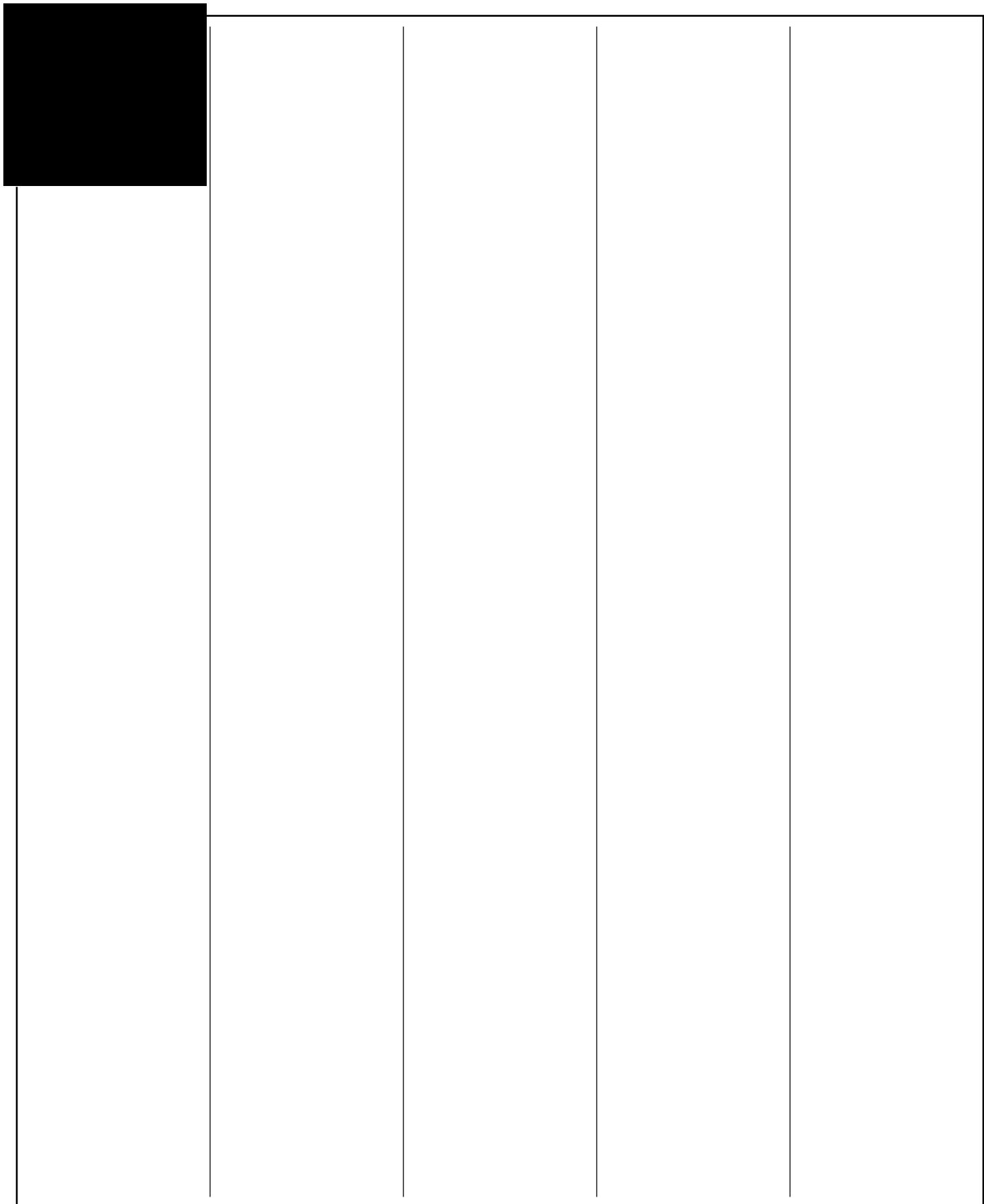
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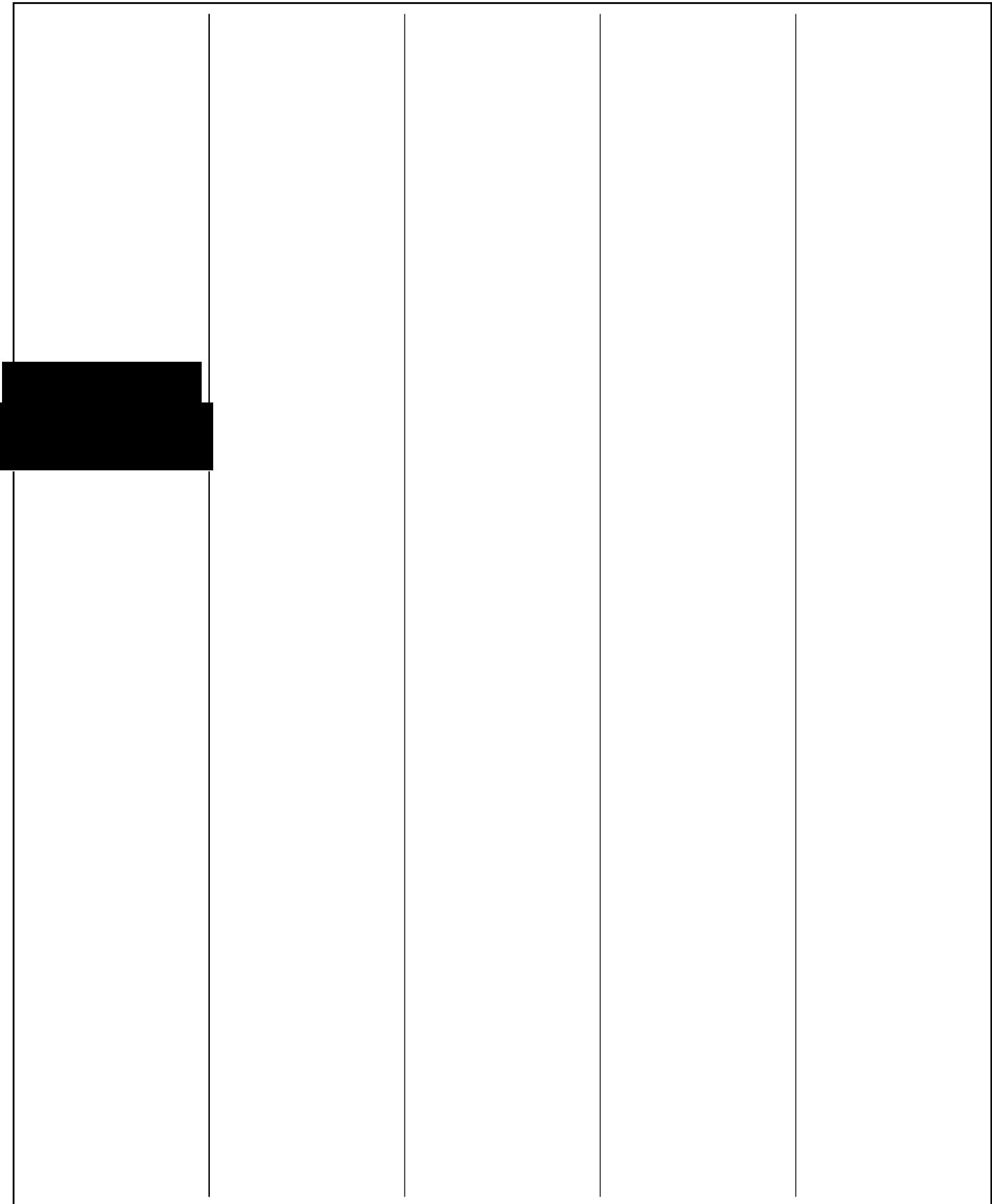
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